

FIRST REGULAR SESSION  
[PERFECTED]  
HOUSE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILLS NOS. 835, 90, 707, 373,  
641, 510, 516 & 572**  
**91ST GENERAL ASSEMBLY**

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Taken up for Perfection April 18, 2001.

House Substitute for House Committee Substitute for House Bills Nos. 835, 90, 707, 373, 641, 510, 516 & 572 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

2008L.06P

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**AN ACT**

To repeal sections 50.550, 150.465, 195.222, 195.223, 210.001, 210.025, 210.140, 214.131, 217.690, 302.302, 302.321, 304.012, 374.700, 374.715, 374.755, 494.425, 494.430, 537.523, 542.261, 542.276, 544.170, 547.170, 556.036, 556.061, 558.019, 559.100, 565.024, 565.050, 565.060, 565.070, 565.084, 565.225, 566.067, 566.068, 566.083, 566.090, 566.093, 566.140, 566.141, 569.070, 570.010, 570.020, 570.030, 570.080, 570.090, 570.120, 570.130, 570.135, 571.030, 571.070, 574.085, 575.230, 577.020, 590.105, 590.650, 595.030, 595.035, 595.045, 595.209, 632.480, 650.050 and 650.055, RSMo 2000, and to enact in lieu thereof one hundred three new sections relating to crimes and punishment, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 50.550, 150.465, 195.222, 195.223, 210.001, 210.025, 210.140,  
2 214.131, 217.690, 302.302, 302.321, 304.012, 374.700, 374.715, 374.755, 494.425, 494.430,  
3 537.523, 542.261, 542.276, 544.170, 547.170, 556.036, 556.061, 558.019, 559.100, 565.024,  
4 565.050, 565.060, 565.070, 565.084, 565.225, 566.067, 566.068, 566.083, 566.090, 566.093,  
5 566.140, 566.141, 569.070, 570.010, 570.020, 570.030, 570.080, 570.090, 570.120, 570.130,

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

6 570.135, 571.030, 571.070, 574.085, 575.230, 577.020, 590.105, 590.650, 595.030, 595.035,  
7 595.045, 595.209, 632.480, 650.050 and 650.055, RSMo 2000, are repealed and one hundred  
8 three new sections enacted in lieu thereof, to be known as sections 50.550, 50.555, 150.465,  
9 195.222, 195.223, 195.515, 195.518, 195.521, 195.524, 210.001, 210.025, 210.140, 214.131,  
10 217.105, 217.690, 221.510, 302.286, 302.302, 302.321, 304.012, 374.695, 374.700, 374.702,  
11 374.704, 374.715, 374.717, 374.755, 374.757, 374.764, 374.782, 374.783, 374.784, 374.785,  
12 374.786, 374.787, 374.788, 374.789, 491.707, 494.425, 494.430, 537.297, 537.523, 541.155,  
13 542.261, 542.276, 544.170, 547.035, 547.170, 556.036, 556.061, 558.019, 559.100, 565.024,  
14 565.042, 565.050, 565.060, 565.070, 565.084, 565.200, 565.225, 565.310, 566.067, 566.068,  
15 566.069, 566.083, 566.090, 566.093, 566.111, 566.140, 566.141, 568.176, 569.070, 570.010,  
16 570.020, 570.030, 570.080, 570.090, 570.120, 570.130, 570.135, 571.030, 571.070, 574.085,  
17 575.155, 575.230, 577.020, 578.154, 578.600, 578.605, 578.610, 589.320, 590.105, 590.132,  
18 590.200, 590.650, 595.030, 595.035, 595.045, 595.209, 632.480, 650.050, 650.055, 650.300,  
19 650.310 and 1, to read as follows:

50.550. **1.** The annual budget shall present a complete financial plan for the ensuing  
2 budget year. It shall set forth all proposed expenditures for the administration, operation and  
3 maintenance of all offices, departments, commissions, courts and institutions; the actual or  
4 estimated operating deficits or surpluses from prior years; all interest and debt redemption  
5 charges during the year and expenditures for capital projects.

**2.** The budget shall contain adequate provisions for the expenditures necessary for the  
7 care of insane pauper patients in state hospitals, for the cost of holding elections and for the costs  
8 of holding circuit court in the county that are chargeable against the county, for the repair and  
9 upkeep of bridges other than on state highways and not in any special road district, and for the  
10 salaries, office expenses and deputy and clerical hire of all county officers and agencies.

**3.** In addition, the budget shall set forth in detail the anticipated income and other means  
12 of financing the proposed expenditures.

**4.** All receipts of the county for operation and maintenance shall be credited to the  
14 general fund, and all expenditures for these purposes shall be charged to this fund; except, that  
15 receipts from the special tax levy for roads and bridges shall be kept in a special fund and  
16 expenditures for roads and bridges may be charged to the special fund.

**5.** All receipts from the sale of bonds for any purpose shall be credited to the bond fund  
18 created for the purpose, and all expenditures for this purpose shall be charged to the fund. All  
19 receipts for the retirement of any bond issue shall be credited to a retirement fund for the issue,  
20 and all payments to retire the issue shall be charged to the fund. All receipts for interest on  
21 outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the  
22 interest fund, and all payments of interest on the bonds shall be charged to the interest fund.

23           **6. Subject to the provisions of section 50.555, the county commission may create a**  
24 **fund to be known as the "(name of county) County Crime Reduction Fund".**

25           **7. The county commission may create other funds as are necessary from time to time.**

**50.555. 1. A county commission may establish by resolution a fund, the proceeds**  
2 **of which may be expended only for the purposes provided in subsection 3 of this section.**  
3 **The fund shall be designated as a county crime reduction fund and shall be under the**  
4 **supervision of a board of trustees consisting of one resident of the county appointed by the**  
5 **presiding commission of the county, one resident of the county appointed by the sheriff of**  
6 **the county, and one resident of the county appointed by the county prosecuting attorney.**

7           **2. Money from the county crime reduction fund shall be expended only upon the**  
8 **approval of a majority of the county crime reduction fund's board of trustees and only for**  
9 **the purposes provided for by subsection 3 of this section.**

10          **3. Money from the county crime reduction fund shall be expended only for the**  
11 **following purposes:**

12           **(1) Narcotics investigation, prevention and intervention;**

13           **(2) Purchase of law enforcement-related equipment and supplies for the sheriff's**  
14 **office;**

15           **(3) Use as matching funds for federal or state law enforcement grants;**

16           **(4) Funding for the reporting of all state and federal crime statistics or information;**  
17 **and**

18           **(5) Any law enforcement-related expenses reasonably related to investigation,**  
19 **preparation, trial and disposition of criminal cases before the courts of this state, including**  
20 **expenses of the prosecuting attorney approved by the board of trustees of the county crime**  
21 **fund.**

22          **4. The county commission shall not reduce any law enforcement agency's budget**  
23 **as a result of such law enforcement agency receiving funds from the county crime**  
24 **reduction fund. The crime reduction fund shall be a supplement to the law enforcement**  
25 **agency's funding from county, state and federal sources.**

26          **5. County crime reduction funds shall be audited in the same manner as all other**  
27 **county funds.**

**150.465. 1. No itinerant vendor as defined in section 150.380, and no peddler as defined**  
2 **in section 150.470, shall offer for sale:**

3           **(1) Any food solely manufactured and packaged for sale for consumption by a child**  
4 **under the age of two years; or**

5           **(2) Drugs, devices and cosmetics as defined in section 196.010, RSMo.**

6          **2. This section shall not apply to authorized agents of a manufacturer of any item**

7 enumerated in subsection 1 of this section.

8 3. Violation of this section is a class A misdemeanor.

9 **4. Itinerant vendors and peddlers shall make available within seventy-two hours**  
10 **upon request of any law enforcement officer any proof of purchase from a producer,**  
11 **manufacturer, wholesaler or retailer of any new or unused property, as defined in section**  
12 **570.010, RSMo.**

13 **5. Any forged proof of purchase produced pursuant to subsection 4 of this section**  
14 **shall be prosecuted pursuant to section 570.090, RSMo.**

195.222. 1. A person commits the crime of trafficking drugs in the first degree if, except  
2 as authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces  
3 or attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture  
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be  
5 punished as follows:

6 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
7 person shall be sentenced to the authorized term of imprisonment for a class A felony;

8 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
9 authorized term of imprisonment for a class A felony which term shall be served without  
10 probation or parole.

11 2. A person commits the crime of trafficking drugs in the first degree if, except as  
12 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
13 attempts to distribute, deliver, manufacture or produce more than one hundred fifty grams of a  
14 mixture or substance containing a detectable amount of coca leaves, except coca leaves and  
15 extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts  
16 have been removed; cocaine salts and their optical and geometric isomers, and salts of isomers;  
17 ecgonine, its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture,  
18 or preparation which contains any quantity of any of the foregoing substances. Violations of this  
19 subsection shall be punished as follows:

20 (1) If the quantity involved is more than one hundred fifty grams but less than four  
21 hundred fifty grams the person shall be sentenced to the authorized term of imprisonment for a  
22 class A felony;

23 (2) If the quantity involved is four hundred fifty grams or more the person shall be  
24 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
25 without probation or parole.

26 3. A person commits the crime of trafficking drugs in the first degree if, except as  
27 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
28 attempts to distribute, deliver, manufacture or produce more than two grams of a mixture or

29 substance described in subsection 2 of this section which contains cocaine base. Violations of  
30 this subsection shall be punished as follows:

31 (1) If the quantity involved is more than two grams but less than six grams the person  
32 shall be sentenced to the authorized term of imprisonment for a class A felony;

33 (2) If the quantity involved is six grams or more the person shall be sentenced to the  
34 authorized term of imprisonment for a class A felony which term shall be served without  
35 probation or parole.

36 4. A person commits the crime of trafficking drugs in the first degree if, except as  
37 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
38 attempts to distribute, deliver, manufacture or produce more than five hundred milligrams of a  
39 mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD).  
40 Violations of this subsection shall be punished as follows:

41 (1) If the quantity involved is more than five hundred milligrams but less than one gram  
42 the person shall be sentenced to the authorized term of imprisonment for a class A felony;

43 (2) If the quantity involved is one gram or more the person shall be sentenced to the  
44 authorized term of imprisonment for a class A felony which term shall be served without  
45 probation or parole.

46 5. A person commits the crime of trafficking drugs in the first degree if, except as  
47 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
48 attempts to distribute, deliver, manufacture or produce more than thirty grams of a mixture or  
49 substance containing a detectable amount of phencyclidine (PCP). Violations of this subsection  
50 shall be punished as follows:

51 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
52 person shall be sentenced to the authorized term of imprisonment for a class A felony;

53 (2) If the quantity involved is ninety grams or more the person shall be sentenced to the  
54 authorized term of imprisonment for a class A felony which term shall be served without  
55 probation or parole.

56 6. A person commits the crime of trafficking drugs in the first degree if, except as  
57 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
58 attempts to distribute, deliver, manufacture or produce more than four grams of phencyclidine.  
59 Violations of this subsection shall be punished as follows:

60 (1) If the quantity involved is more than four grams but less than twelve grams the  
61 person shall be sentenced to the authorized term of imprisonment for a class A felony;

62 (2) If the quantity involved is twelve grams or more the person shall be sentenced to the  
63 authorized term of imprisonment for a class A felony which term shall be served without  
64 probation or parole.

65           7. A person commits the crime of trafficking drugs in the first degree if, except as  
66 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
67 attempts to distribute, deliver, manufacture or produce more than thirty kilograms of a mixture  
68 or substance containing marijuana. Violations of this subsection shall be punished as follows:

69           (1) If the quantity involved is more than thirty kilograms but less than one hundred  
70 kilograms the person shall be sentenced to the authorized term of imprisonment for a class A  
71 felony;

72           (2) If the quantity involved is one hundred kilograms or more the person shall be  
73 sentenced to the authorized term of imprisonment for a class A felony which term shall be served  
74 without probation or parole.

75           8. A person commits the crime of trafficking drugs in the first degree if, except as  
76 authorized by sections 195.005 to 195.425, he distributes, delivers, manufactures, produces or  
77 attempts to distribute, deliver, manufacture or produce more than thirty grams of any material,  
78 compound, mixture or preparation which contains any quantity of the following substances  
79 having a stimulant effect on the central nervous system: amphetamine, its salts, optical isomers  
80 and salts of its optical isomers; methamphetamine, its salts, optical isomers and salts of its  
81 optical isomers; phenmetrazine and its salts; or methylphenidate. Violations of this subsection  
82 or attempts to violate this subsection shall be punished as follows:

83           (1) If the quantity involved is more than thirty grams but less than ninety grams the  
84 person shall be sentenced to the authorized term of imprisonment for a class A felony;

85           (2) If the quantity involved is ninety grams or more, or if the quantity involved was thirty  
86 grams or more and the location of the offense was within two thousand feet of a school or public  
87 housing as defined in section 195.214 or section 195.218 or within a motor vehicle, or any  
88 structure or building which contains rooms furnished for the accommodation or lodging of  
89 guests, and kept, used, maintained, advertised, or held out to the public as a place where sleeping  
90 accommodations are sought for pay or compensation to transient guests or permanent guests, the  
91 person shall be sentenced to the authorized term of imprisonment for a class A felony which term  
92 shall be served without probation or parole.

93           **9. A person commits the crime of trafficking drugs in the first degree if, except as**  
94 **authorized by sections 195.005 to 195.425, he or she distributes, delivers, manufactures,**  
95 **produces or attempts to distribute, deliver, manufacture or produce more than thirty**  
96 **grams of any material, compound, mixture or preparation which contains any quantity of**  
97 **3,4-methylenedioxymethamphetamine. Violations of this subsection or attempts to violate**  
98 **this subsection shall be punished as follows:**

99           **(1) If the quantity involved is more than thirty grams but less than ninety grams**  
100 **the person shall be sentenced to the authorized term of imprisonment for a class A felony;**

101           **(2) If the quantity involved is ninety grams or more, or if the quantity involved was**  
102 **thirty grams or more and the location of the offense was within two thousand feet of a**  
103 **school or public housing as defined in section 195.214 or section 195.218 or within a motor**  
104 **vehicle, or any structure or building which contains rooms furnished for the**  
105 **accommodation or lodging of guests, and kept, used, maintained, advertised, or held out**  
106 **to the public as a place where sleeping accommodations are sought for pay or**  
107 **compensation to transient guests or permanent guests, the person shall be sentenced to the**  
108 **authorized term of imprisonment for a class A felony which term shall be served without**  
109 **probation or parole.**

195.223. 1. A person commits the crime of trafficking drugs in the second degree if,  
2 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,  
3 purchases or attempts to purchase, or brings into this state more than thirty grams of a mixture  
4 or substance containing a detectable amount of heroin. Violations of this subsection shall be  
5 punished as follows:

6           (1) If the quantity involved is more than thirty grams but less than ninety grams the  
7 person shall be guilty of a class B felony;

8           (2) If the quantity involved is ninety grams or more the person shall be guilty of a class  
9 A felony.

10           2. A person commits the crime of trafficking drugs in the second degree if, except as  
11 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
12 attempts to purchase, or brings into this state more than one hundred fifty grams of a mixture or  
13 substance containing a detectable amount of coca leaves, except coca leaves and extracts of coca  
14 leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been  
15 removed; cocaine salts and their optical and geometric isomers, and salts of isomers; ecgonine,  
16 its derivatives, their salts, isomers, and salts of isomers; or any compound, mixture, or  
17 preparation which contains any quantity of any of the foregoing substances. Violations of this  
18 subsection shall be punished as follows:

19           (1) If the quantity involved is more than one hundred fifty grams but less than four  
20 hundred fifty grams the person shall be guilty of a class B felony;

21           (2) If the quantity involved is four hundred fifty grams or more the person shall be guilty  
22 of a class A felony.

23           3. A person commits the crime of trafficking drugs in the second degree if, except as  
24 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
25 attempts to purchase, or brings into this state more than two grams of a mixture or substance  
26 described in subsection 2 of this section which contains cocaine base. Violations of this  
27 subsection shall be punished as follows:

28 (1) If the quantity involved is more than two grams but less than six grams the person  
29 shall be guilty of a class B felony;

30 (2) If the quantity involved is six grams or more the person shall be guilty of a class A  
31 felony.

32 4. A person commits the crime of trafficking drugs in the second degree if, except as  
33 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
34 attempts to purchase, or brings into this state more than five hundred milligrams of a mixture or  
35 substance containing a detectable amount of lysergic acid diethylamide (LSD). Violations of this  
36 subsection shall be punished as follows:

37 (1) If the quantity involved is more than five hundred milligrams but less than one gram  
38 the person shall be guilty of a class B felony;

39 (2) If the quantity involved is one gram or more the person shall be guilty of a class A  
40 felony.

41 5. A person commits the crime of trafficking drugs in the second degree if, except as  
42 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
43 attempts to purchase, or brings into this state more than thirty grams of a mixture or substance  
44 containing a detectable amount of phencyclidine (PCP). Violations of this subsection shall be  
45 punished as follows:

46 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
47 person shall be guilty of a class B felony;

48 (2) If the quantity involved is ninety grams or more the person shall be guilty of a class  
49 A felony.

50 6. A person commits the crime of trafficking drugs in the second degree if, except as  
51 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
52 attempts to purchase, or brings into this state more than four grams of phencyclidine. Violations  
53 of this subsection shall be punished as follows:

54 (1) If the quantity involved is more than four grams but less than twelve grams the  
55 person shall be guilty of a class B felony;

56 (2) If the quantity involved is twelve grams or more the person shall be guilty of a class  
57 A felony.

58 7. A person commits the crime of trafficking drugs in the second degree if, except as  
59 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
60 attempts to purchase, or brings into this state more than thirty kilograms or more of a mixture  
61 or substance containing marijuana. Violations of this subsection shall be punished as follows:

62 (1) If the quantity involved is more than thirty kilograms but less than one hundred  
63 kilograms the person shall be guilty of a class B felony;



64 (2) If the quantity involved is one hundred kilograms or more the person shall be guilty  
65 of a class A felony.

66 8. A person commits the class A felony of trafficking drugs in the second degree if,  
67 except as authorized by sections 195.005 to 195.425, he possesses or has under his control,  
68 purchases or attempts to purchase, or brings into this state more than five hundred marijuana  
69 plants.

70 9. A person commits the crime of trafficking drugs in the second degree if, except as  
71 authorized by sections 195.005 to 195.425, he possesses or has under his control, purchases or  
72 attempts to purchase, or brings into this state more than thirty grams of any material, compound,  
73 mixture or preparation which contains any quantity of the following substances having a  
74 stimulant effect on the central nervous system: amphetamine, its salts, optical isomers and salts  
75 of its optical isomers; methamphetamine, its salts, isomers and salts of its isomers;  
76 phenmetrazine and its salts; or methylphenidate. Violations of this subsection or attempts to  
77 violate this subsection shall be punished as follows:

78 (1) If the quantity involved is more than thirty grams but less than ninety grams the  
79 person shall be guilty of a class B felony;

80 (2) If the quantity involved is ninety grams or more but less than four hundred fifty  
81 grams, the person shall be guilty of a class A felony;

82 (3) If the quantity involved is four hundred fifty grams or more, the person shall be guilty  
83 of a class A felony and the term of imprisonment shall be served without probation or parole.

84 **10. A person commits the crime of trafficking drugs in the second degree if, except**  
85 **as authorized by sections 195.005 to 195.425, he or she possesses or has under his or her**  
86 **control, purchases or attempts to purchase, or brings into this state more than thirty grams**  
87 **of any material, compound, mixture or preparation which contains any quantity of 3,4-**  
88 **methylenedioxymethamphetamine. Violations of this subsection or attempts to violate this**  
89 **subsection shall be punished as follows:**

90 (1) If the quantity involved is more than thirty grams but less than ninety grams  
91 the person shall be guilty of a class B felony;

92 (2) If the quantity involved is ninety grams or more but less than four hundred fifty  
93 grams, the person shall be guilty of a class A felony;

94 (3) If the quantity involved is four hundred fifty grams or more, the person shall  
95 be guilty of a class A felony and the term of imprisonment shall be served without  
96 probation or parole.

195.515. 1. Any manufacturer or wholesaler who sells, transfers, or otherwise  
2 furnishes ephedrine, pseudoephedrine or phenylpropanolamine, or any of their salts,  
3 optical isomers and salts of optical isomers, alone or in a mixture, and is required by

4 federal law to report any suspicious transaction to the United States attorney general, shall  
5 submit a copy of the report to the chief law enforcement official with jurisdiction before  
6 completion of the sale or as soon as practicable thereafter.

7 2. As used in this section, "suspicious transaction" means any sale or transfer  
8 required to be reported pursuant to 21 U.S.C. 830(b)(1).

9 3. Any violation of this section shall be a class D felony.

195.518. 1. It is unlawful for any person to possess more than five grams of  
2 ephedrine, its salts, optical isomers and salts of optical isomers or more than twelve grams  
3 of pseudoephedrine, its salts, optical isomers and salts of optical isomers.

4 2. This section shall not apply to:

5 (1) Any pharmacist or other authorized person acting upon the prescription of a  
6 physician, dentist, podiatrist or veterinarian; or

7 (2) Any physician, optometrist, dentist, podiatrist or veterinarian who administers,  
8 dispenses or furnishes a substance listed in subsection 1 of this section to his or her patients  
9 within the scope of his or her professional practice. Such administration or dispensing  
10 shall be recorded in the patient record; or

11 (3) Any pharmacy, retail outlet or retail distributor who possesses a sales and use  
12 tax permit issued by the department of revenue and who possesses such substances in the  
13 ordinary course of business; or

14 (4) Any person who lawfully manufactures or distributes or any wholesaler who  
15 sells, transfers or otherwise furnishes any substance listed in subsection 1 of this section  
16 to a licensed pharmacy, physician, dentist, podiatrist or veterinarian; or

17 (5) Any person in their home or residence under circumstances consistent with  
18 typical medicinal or household use as indicated by factors including, but not limited to,  
19 storage location and possession in products in a variety of strengths, brands, types,  
20 purposes and expiration dates.

21 3. Possession of more than five grams of ephedrine or more than twelve grams of  
22 pseudoephedrine, or any of their salts, optical isomers and salts of optical isomers shall  
23 constitute prima facie evidence of the intent to manufacture methamphetamine or any of  
24 its analogs, or any other controlled substance in violation of this chapter.

25 4. A person who violates this section is guilty of a class D felony for the first offense,  
26 or a class C felony for a second or subsequent offense.

195.521. 1. It is unlawful for any person to sell, transfer, distribute or dispense any  
2 product containing ephedrine, pseudoephedrine or phenylpropanolamine, or any of their  
3 salts, optical isomers and salts of optical isomers, if the person knows that the purchaser  
4 will use the product as a precursor to manufacture methamphetamine or other controlled

5 substance or with reckless disregard as to how the product will be used.

6 2. A person who violates this section is guilty of a class D felony for the first offense,  
7 or a class C felony for the second or subsequent offense.

195.524. 1. It shall be unlawful for a retail distributor, or an employee thereof, to  
2 sell, transfer, or otherwise furnish, in a single transaction:

3 (1) More than three packages of one or more products that he or she knows to  
4 contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts  
5 of isomers where the total quantity of the sale is greater than nine grams;

6 (2) Any single package of any product that he or she knows to contain ephedrine,  
7 pseudoephedrine, or phenylpropanolamine, which contains more than one hundred pills,  
8 tablets, gelcaps, capsules, or other individual units where the total quantity of the sale is  
9 greater than nine grams;

10 (3) When sold in blister packs, more than three grams of ephedrine,  
11 pseudoephedrine, or phenylpropanolamine base, each blister containing not more than two  
12 dosage units, or if the use of a blister pack is technically unfeasible, the drug is packaged  
13 in unit dose packets or pouches; or

14 (4) In the case of liquids, not more than three grams of ephedrine,  
15 pseudoephedrine, or phenylpropanolamine base.

16 2. It shall be unlawful for any person, other than a person or entity described in  
17 subsection 1 of this section, to purchase, acquire or otherwise receive in a single  
18 transaction:

19 (1) More than three packages of one or more products that he or she knows to  
20 contain ephedrine, pseudoephedrine, or phenylpropanolamine, their salts, isomers, or salts  
21 of isomers where the total quantity of the sale is greater than nine grams; or

22 (2) Any single package of any product that he or she knows to contain ephedrine,  
23 pseudoephedrine, or phenylpropanolamine, which contains more than ninety-six pills,  
24 tablets, gelcaps, capsules, or other individual units where the total quantity of the sale is  
25 greater than nine grams; or

26 (3) More than nine grams of ephedrine, pseudoephedrine, or phenylpropanolamine,  
27 their salts, isomers, or salts of isomers, or a combination of any such substances.

28 3. A violation of this section is a class A misdemeanor.

29 4. This section shall not apply to:

30 (1) Pediatric products primarily intended for administration to children under  
31 twelve years of age, according to label instructions, either:

32 (a) In solid dosage form whose individual dosage units do not exceed fifteen  
33 milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine; or

(b) In liquid form whose recommended dosage, according to label instructions, does not exceed fifteen milligrams of ephedrine, pseudoephedrine, or phenylpropanolamine per five milliliters of liquid product;

(2) Pediatric liquid products primarily intended for administration to children under two years of age for which the recommended dosage does not exceed two milliliters and the total package content does not exceed one fluid ounce;

(3) Products that the state department of health, upon application of a manufacturer, exempts by rule from this section because the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine, or its salts or precursors;

(4) Products sold in package sizes of not more than three grams of ephedrine, pseudoephedrine, or phenylpropanolamine base, and that is packaged in blister packs, each blister containing not more than two dosage units, or where the use of blister packs is technically infeasible, that is packaged in unit dose packets or pouches, where the total quantity of the sale is not greater than three packages or nine grams, whichever is smaller;

(5) In the case of liquids, a product sold in package sizes of not more than three grams ephedrine, pseudoephedrine or phenylpropanolamine base, where the total quantity of the sale is not greater than three packages or nine grams, whichever is smaller.

5. As used in this section, the following terms mean:

(1) "Retail distributor", a grocery store, general merchandise store, drugstore, convenience store or other related entity, the activities of which, as a distributor of ephedrine, pseudoephedrine, norpseudoephedrine, or phenylpropanolamine products, are limited exclusively to the sale of ephedrine, pseudoephedrine, phenylpropanolamine products for personal use both in number of sales and volume of sales, either directly to walk-in customers or in face-to-face transactions by direct sales. Retail distributor shall include any person or entity that makes a direct sale or has knowledge of the sale, but does not include any manager, supervisor or owner not present and not otherwise aware of the sale, nor shall it include the parent company of that entity if the company is not involved in direct sales regulated by this chapter;

(2) "Sale for personal use", the sale in a single transaction to an individual customer for a legitimate medical use of a product containing ephedrine, pseudoephedrine, or phenylpropanolamine in dosages at or below that specified in subsection 4 of this section. Sale for personal use also includes the sale of those products to employers to be dispensed to employees from first-aid kits or medicine chests.

6. Any person who is considered the general owner or operator of the outlet where ephedrine, pseudoephedrine, or phenylpropanolamine products are available for sale who

70 **violates subsection 1 of this section shall not be penalized pursuant to this section if such**  
71 **person documents that an employee training program was in place to provide the employee**  
72 **with information on the state and federal regulations regarding ephedrine,**  
73 **pseudoephedrine or phenylpropanolamine.**

210.001. 1. The department of social services shall address the needs of homeless,  
2 dependent and neglected children in the supervision and custody of the division of family  
3 services and to their families-in-conflict by:

4 (1) Serving children and families as a unit in the least restrictive setting available and  
5 in close proximity to the family home, consistent with the best interests and special needs of the  
6 child;

7 (2) Insuring that appropriate social services are provided to the family unit both prior to  
8 the removal of the child from the home and after family reunification;

9 (3) Developing and implementing preventive and early intervention social services  
10 which have demonstrated the ability to delay or reduce the need for out-of-home placements and  
11 ameliorate problems before they become chronic.

12 2. The department of social services shall fund only regional child assessment centers  
13 known as:

14 (1) The St. Louis City child assessment center;

15 (2) The St. Louis County child assessment center;

16 (3) The Jackson County child assessment center;

17 (4) The Buchanan County child assessment center;

18 (5) The Greene County child assessment center;

19 (6) The Boone County child assessment center;

20 (7) The Joplin child assessment center;

21 (8) The St. Charles County child assessment center;

22 (9) The Jefferson County child assessment center; [and]

23 (10) The Pettis County child assessment center;

24 **(11) The Southeast Missouri Network Against Sexual Violence; and**

25 **(12) The Lakes Area Child Advocacy Center.**

210.025. 1. To qualify for receipt of state or federal funds for providing child-care  
2 services in the home either by direct payment or through reimbursement to a child-care  
3 beneficiary, an applicant and any person over the age of eighteen who is living in the applicant's  
4 home shall be required to submit to a criminal background check pursuant to section 43.540,  
5 RSMo, and a check of the central registry for child abuse established in section 210.145.  
6 Effective January 1, 2001, the requirements of this subsection or subsection 2 of this section shall  
7 be satisfied through registration with the family care safety registry established in sections

8 210.900 to 210.936. Any costs associated with such checks shall be paid by the applicant.

9 2. Upon receipt of an application for state or federal funds for providing child-care  
10 services in the home, the division of family services shall:

11 (1) Determine if a probable cause finding of child abuse or neglect involving the  
12 applicant or any person over the age of eighteen who is living in the applicant's home has been  
13 recorded pursuant to section 210.221 or 210.145;

14 (2) Determine if the applicant or any person over the age of eighteen who is living in the  
15 applicant's home has been refused licensure or has experienced licensure suspension or  
16 revocation pursuant to section 210.221 or 210.496; and

17 (3) Request a criminal background check of the applicant and any person over the age  
18 of eighteen who is living in the applicant's home pursuant to section 43.540, RSMo.

19 3. Except as otherwise provided in subsection 4 of this section, upon completion of the  
20 background checks in subsection 2 of this section, an applicant shall be denied state or federal  
21 funds for providing child care if such applicant or any person over the age of eighteen who is  
22 living in the applicant's home:

23 (1) Has had a probable cause finding of child abuse or neglect pursuant to section  
24 210.145;

25 (2) Has been refused licensure or has experienced licensure suspension or revocation  
26 pursuant to section 210.496;

27 (3) Has pled guilty or nolo contendere to or been found guilty of any felony for an  
28 offense against the person as defined by chapter 565, RSMo, **any misdemeanor offense**  
29 **pursuant to chapter 565, RSMo, when the victim is a child**, or any other offense against the  
30 person involving the endangerment of a child as prescribed by law; of any misdemeanor or  
31 felony for a sexual offense as defined by chapter 566, RSMo; of any misdemeanor or felony for  
32 an offense against the family as defined in chapter 568, RSMo, with the exception of the sale of  
33 fireworks, as defined in section 320.110, RSMo, to a child under the age of eighteen; of any  
34 misdemeanor or felony for pornography or related offense as defined by chapter 573, RSMo; or  
35 of any similar crime in any federal, state, municipal or other court of similar jurisdiction of which  
36 the director has knowledge or any offenses or reports which will disqualify an applicant from  
37 receiving state or federal funds; **of any offense involving stalking of a person that is**  
38 **considered a felony in the jurisdiction where such offense is charged; of any offense of**  
39 **prostitution, robbery or arson whether a misdemeanor or felony; or of any offense**  
40 **involving a firearm whether a misdemeanor or felony.**

41 4. An applicant shall be given an opportunity by the division to offer any extenuating or  
42 mitigating circumstances regarding the findings, refusals or violations against such applicant or  
43 any person over the age of eighteen who is living in the applicant's home listed in subsection 2

44 of this section. Such extenuating and mitigating circumstances may be considered by the  
45 division in its determination of whether to permit such applicant to receive state or federal funds  
46 for providing child care in the home.

47 5. An applicant who has been denied state or federal funds for providing child care in  
48 the home may appeal such denial decision in accordance with the provisions of section 208.080,  
49 RSMo.

50 6. If an applicant is denied state or federal funds for providing child care in the home  
51 based on the background check results for any person over the age of eighteen who is living in  
52 the applicant's home, the applicant shall not apply for such funds until such person is no longer  
53 living in the applicant's home.

54 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that  
55 is created under the authority delegated in this section shall become effective only if it complies  
56 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section  
57 536.028, RSMo. All rulemaking authority delegated prior to August 28, 1999, is of no force and  
58 effect and repealed. Nothing in this section shall be interpreted to repeal or affect the validity  
59 of any rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable  
60 provisions of law. This section and chapter 536, RSMo, are nonseverable and if any of the  
61 powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the  
62 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the  
63 grant of rulemaking authority and any rule proposed or adopted after August 28, 1999, shall be  
64 invalid and void.

210.140. Any legally recognized privileged communication, except that between attorney  
2 and client **or involving communications made to a minister or clergyperson**, shall not apply  
3 to situations involving known or suspected child abuse or neglect and shall not constitute  
4 grounds for failure to report as required or permitted by sections 210.110 to 210.165, or to give  
5 or accept evidence in any judicial proceeding relating to child abuse or neglect.

214.131. Every person who shall knowingly destroy, mutilate, disfigure, deface, injure  
2 or remove any tomb, monument or gravestone, or other structure placed in any abandoned family  
3 cemetery or private burying ground, or any fence, railing, or other work for the protection or  
4 ornamentation of any such cemetery or place of burial of any human being, or tomb, monument  
5 or gravestone, memento, or memorial, or other structure aforesaid, or of any lot within such  
6 cemetery is guilty of [a class A misdemeanor] **institutional vandalism pursuant to section**  
7 **574.085, RSMo**. For the purposes of this section and subsection 1 of section 214.132, an  
8 "abandoned family cemetery" or "private burying ground" shall include those cemeteries or  
9 burying grounds which have not been deeded to the public as provided in chapter 214, and in  
10 which no body has been interred for at least twenty-five years.

217.105. 1. There is hereby established within the department of corrections a "Corrections Officers Standards and Training Commission" which shall be composed of nine members, appointed by the governor, with the advice and consent of the senate. Two members of the commission shall be from the administration of the department of corrections, three members shall be from law enforcement agencies within the state, and three members shall be corrections officers below the rank of major currently employed by the department of corrections, one of whom shall be selected by the certified bargaining agent and one of whom shall be from a statewide association of corrections officers having membership in excess of five hundred corrections officers. One member shall be the chair of the department of criminal justice, or a comparable program, at an institution of higher education in this state.

2. Of the original members of the commission three shall be appointed for terms of one year, three shall be appointed for terms of two years, and three shall be appointed for terms of three years. Thereafter the terms of the members of the commission shall be three years or until their successors are appointed.

3. The commission shall elect a chairman annually and shall meet at least twice annually as determined by the chairman. A majority of the members of the commission shall constitute a quorum.

4. No member of the commission shall receive any compensation for the performance of his or her official duties. Members may be reimbursed for expenses incurred in the course of such performance of his or her official duties.

5. The commission shall establish the core curriculum and shall also formulate definitions, rules and regulations for the administration of corrections officers standards and training programs.

6. From and after January 1, 2002, no person shall hold the position of corrections officer in the Missouri department of corrections unless that person has enrolled in and successfully completed an instructional program designed to familiarize such person with his or her duties as a corrections officer as established by the commission and certified pursuant to section 590.200, RSMo. Persons who hold the position of corrections officer prior to January 1, 2002, may attend such programs voluntarily for the purpose of career advancement or to satisfy requirements for promotion or merit pay established by the department of corrections.

217.690. 1. When in its opinion there is reasonable probability that an offender of a correctional center can be released without detriment to the community or to himself or herself, the board may in its discretion release or parole such person except as otherwise prohibited by law. All paroles shall issue upon order of the board, duly adopted.



5           2. Before ordering the parole of any offender, the board shall have the offender appear  
6 before a hearing panel and shall conduct a personal interview with [him] **said offender**, unless  
7 waived by the offender. A parole shall be ordered only for the best interest of society, not as an  
8 award of clemency; it shall not be considered a reduction of sentence or a pardon. An offender  
9 shall be placed on parole only when the board believes that [he] **said offender** is able and willing  
10 to fulfill the obligations of a law-abiding citizen. Every offender while on parole shall remain  
11 in the legal custody of the department but shall be subject to the orders of the board.

12           3. The board shall adopt rules not inconsistent with law, in accordance with section  
13 217.040, with respect to the eligibility of offenders for parole, the conduct of parole hearings or  
14 conditions to be imposed upon paroled offenders. Whenever an order for parole is issued it shall  
15 recite the conditions of such parole.

16           4. When considering parole for an offender with consecutive sentences **other than**  
17 **consecutive sentences for life imprisonment**, the minimum term for eligibility for parole shall  
18 be calculated by adding the minimum terms for parole eligibility for each of the consecutive  
19 sentences, except the minimum term for parole eligibility shall not exceed the minimum term  
20 for parole eligibility for an ordinary life sentence. **When considering parole for an offender**  
21 **with consecutive life sentences, the minimum term for parole eligibility shall be calculated**  
22 **by adding the minimum terms for parole eligibility for each of the consecutive sentences.**

23           5. Any offender under a sentence for first degree murder who has been denied release  
24 on parole after a parole hearing shall not be eligible for another parole hearing until at least three  
25 years from the month of the parole denial; however, this subsection shall not prevent a release  
26 pursuant to subsection 4 of section 558.011, RSMo.

27           6. Parole hearings shall, at a minimum, contain the following procedures:

28           (1) The victim or person representing the victim who attends a hearing may be  
29 accompanied by one other person;

30           (2) The victim or person representing the victim who attends a hearing shall have the  
31 option of giving testimony in the presence of the inmate or to the hearing panel without the  
32 inmate being present;

33           (3) The victim or person representing the victim may call or write the parole board rather  
34 than attend the hearing;

35           (4) The victim or person representing the victim may have a personal meeting with a  
36 board member at the board's central office; and

37           (5) The judge, prosecuting attorney or circuit attorney and a representative of the local  
38 law enforcement agency investigating the crime shall be allowed to attend the hearing or provide  
39 information to the hearing panel in regard to the parole consideration.

40           7. The board shall notify any person of the results of a parole eligibility hearing if the

41 person indicates to the board a desire to be notified.

42 8. The board may, at its discretion, require any offender seeking parole to meet certain  
43 conditions during the term of that parole so long as said conditions are not illegal or impossible  
44 for the offender to perform. These conditions may include an amount of restitution to the state  
45 for the cost of that offender's incarceration.

46 9. Nothing contained in this section shall be construed to require the release of an  
47 offender on parole nor to reduce the sentence of an offender heretofore committed.

48 10. Beginning January 1, 2001, the board shall not order a parole unless the offender has  
49 obtained a high school diploma or its equivalent, or unless the board is satisfied that the offender,  
50 while committed to the custody of the department, has made an honest good-faith effort to obtain  
51 a high school diploma or its equivalent; provided that the director may waive this requirement  
52 by certifying in writing to the board that the offender has actively participated in mandatory  
53 education programs or is academically unable to obtain a high school diploma or its equivalent.

**221.510. 1. This section shall be known as "Jake's Law" in honor of Jake Robel.**

2 **2. Every chief law enforcement official, sheriff, public jailer, private jailer,**  
3 **department of corrections official and regional jail district official shall conduct an inquiry**  
4 **of pending outstanding warrants for misdemeanors and felonies through the Missouri**  
5 **Uniform Law Enforcement System (MULES) and the National Crime Information Center**  
6 **(NCIC) System on all prisoners about to be released, whether convicted of a crime or being**  
7 **held on suspicion of charges.**

8 **3. No prisoner, whether convicted of a crime or being held on suspicion of any**  
9 **charge, shall be released or transferred from a correctional facility, public jail or private**  
10 **jail to any other facility prior to having a local, state or federal warrant check conducted**  
11 **by a law enforcement official, sheriff or authorized member of a correctional facility,**  
12 **public jailer or private jailer.**

13 **4. If any prisoner warrant check indicates outstanding charges or outstanding**  
14 **warrants from another jurisdiction, it shall be the duty of the official conducting the**  
15 **warrant check to inform the agency that issued the warrant that the correctional facility,**  
16 **public jail or private jail has such prisoner in custody. That prisoner shall not be released**  
17 **except to the custody of the jurisdictional authority that had issued the warrant, unless an**  
18 **official warrant has been satisfied or dismissed, or unless the warrant issuing agency has**  
19 **notified the correctional facility, public jail or private jail holding the prisoner that the**  
20 **agency does not wish the prisoner to be transferred or the warrant to be pursued.**

21 **5. Any person may make a report to the attorney general's office and the**  
22 **prosecuting attorney for the county of jurisdiction, who may notify the Missouri state**  
23 **highway patrol for violations of this section. The highway patrol shall conduct an**

24 investigation. If, in the opinion of the superintendent of the Missouri highway patrol, the  
25 investigation yields reasonable grounds to believe that a violation of this section is  
26 occurring or has occurred, such person shall refer that information to either the attorney  
27 general of the state of Missouri or the prosecuting attorney of the county where the  
28 violation is alleged to have occurred.

29       6. If a law enforcement official, sheriff or authorized member of a correctional  
30 facility, public jailer or private jailer fails to perform a warrant check which results in the  
31 release of a prisoner with outstanding warrants, that individual shall be guilty of a class  
32 A misdemeanor.

302.286. 1. No person shall drive a motor vehicle so as to cause it to leave the  
2 premises of an establishment at which motor fuel offered for retail sale was dispensed into  
3 the fuel tank of such motor vehicle unless payment or authorized charge for motor fuel  
4 dispensed has been made. A person found guilty or pleading guilty to stealing pursuant  
5 to section 570.030, RSMo, wherein the court found evidence of the theft of motor fuel as  
6 described in subdivision (5) of subsection 2 of section 570.030, RSMo, shall have his or her  
7 driver's license suspended by the court, beginning on the date of the court's order of  
8 conviction.

9       2. The person shall submit all of his or her operator's and chauffeur's licenses to  
10 the court upon conviction and the court shall forward all such driver's licenses and the  
11 order of suspension of driving privileges to the department of revenue for administration  
12 of such order.

13       3. Suspension of a driver's license pursuant to this section shall be made as follows:

14       (1) For the first offense, suspension shall be for sixty days, provided that persons  
15 may apply for hardship licenses pursuant to section 302.309 at any time following the first  
16 thirty days of such suspension;

17       (2) For the second offense, suspension shall be for ninety days, provided that  
18 persons may apply for hardship licenses pursuant to section 302.309 at any time following  
19 the first thirty days of such suspension; and

20       (3) For the third or any subsequent offense, suspension shall be for one hundred  
21 eighty days, provided that persons may apply for hardship licenses pursuant to section  
22 302.309 at any time following the first ninety days of such suspension.

23       4. At the expiration of the suspension period, and upon payment of a reinstatement  
24 fee of twenty-five dollars, the director shall terminate the suspension and shall return the  
25 person's driver's license. The reinstatement fee shall be in addition to any other fees  
26 required by law, and shall be deposited in the state treasury to the credit of the state  
27 highway department fund, pursuant to section 302.228.

302.302. 1. The director of revenue shall put into effect a point system for the suspension and revocation of licenses. Points shall be assessed only after a conviction or forfeiture of collateral. The initial point value is as follows:

(1) Any moving violation of a state law or county or municipal or federal traffic ordinance or regulation not listed in this section, other than a violation of vehicle equipment provisions or a court-ordered supervision as provided in

section 302.303 ..... 2 points

(except any violation of municipal stop sign ordinance where no accident is involved ..... 1 point)

(2) Speeding

In violation of a state law ..... 3 points

In violation of a county or municipal ordinance ..... 2 points

(3) Leaving the scene of an accident in violation of section 577.060, RSMo ..... 12 points

In violation of any county or municipal ordinance ..... 6 points

(4) Careless and imprudent driving:

**(a) When an accident results in which any person suffers serious physical injury, in violation of subsection 2 of section 304.012, or dies ..... 8 points;**

**(b) When an accident results in which any person suffers moderate physical injury, in violation of subsection 3 of section 304.012 ..... 6 points;**

**(c) In violation of subsection 4 of section 304.016, RSMo ..... 4 points**

**(d) In violation of a county or municipal ordinance ..... 2 points**

(5) Operating without a valid license in violation of subdivision (1) or (2) of subsection 1 of section 302.020:

(a) For the first conviction ..... 2 points

(b) For the second conviction ..... 4 points

(c) For the third conviction ..... 6 points

(6) Operating with a suspended or revoked license prior to restoration of operating privileges ..... 12 points

(7) Obtaining a license by misrepresentation ..... 12 points

(8) For the first conviction of driving while in an intoxicated condition or under the influence of controlled substances or drugs ..... 8 points

(9) For the second or subsequent conviction of any of the following offenses however combined: driving while in an intoxicated condition, driving under the influence of controlled

37 substances or drugs or driving with a blood alcohol content of [ten-hundredths] **eight-**  
38 **hundredths** of one percent or more by weight ..... 12 points  
39 (10) For the first conviction for driving with blood alcohol content [ten-hundredths]  
40 **eight-hundredths** of one percent or more by weight  
41 In violation of state law ..... 8 points  
42 In violation of a county or municipal ordinance or federal  
43 law or regulation ..... 8 points  
44 (11) Any felony involving the use of a motor vehicle ..... 12 points  
45 (12) Knowingly permitting unlicensed operator to operate a  
46 motor vehicle ..... 4 points  
47 (13) For a conviction for failure to maintain financial responsibility pursuant to county  
48 or municipal ordinance or pursuant to section 303.025, RSMo ..... 4 points  
49 2. The director shall, as provided in subdivision (5) of subsection 1 of this section, assess  
50 an operator points for a conviction pursuant to subdivision (1) or (2) of subsection 1 of section  
51 302.020, when the director issues such operator a license or permit pursuant to the provisions  
52 of sections 302.010 to 302.340.  
53 3. An additional two points shall be assessed when personal injury or property damage  
54 results from any violation listed in subsection 1 of this section and if found to be warranted and  
55 certified by the reporting court.  
56 4. When any of the acts listed in subdivision (2), (3), (4) or (8) of subsection 1 of this  
57 section constitutes both a violation of a state law and a violation of a county or municipal  
58 ordinance, points may be assessed for either violation but not for both. Notwithstanding that an  
59 offense arising out of the same occurrence could be construed to be a violation of subdivisions  
60 (8), (9) and (10) of subsection 1 of this section, no person shall be tried or convicted for more  
61 than one offense pursuant to subdivisions (8), (9) and (10) of subsection 1 of this section for  
62 offenses arising out of the same occurrence.  
63 5. The director of revenue shall put into effect a system for staying the assessment of  
64 points against an operator. The system shall provide that the satisfactory completion of a  
65 driver-improvement program or, in the case of violations committed while operating a  
66 motorcycle, a motorcycle- rider training course approved by the director of the department of  
67 public safety, by an operator, when so ordered and verified by any court having jurisdiction over  
68 any law of this state or county or municipal ordinance, regulating motor vehicles, other than a  
69 violation committed in a commercial motor vehicle as defined in section 302.700, shall be  
70 accepted by the director in lieu of the assessment of points for a violation pursuant to subdivision  
71 (1), (2), or (4) of subsection 1 of this section or pursuant to subsection 3 of this section. For the  
72 purposes of this subsection, the driver-improvement program shall meet or exceed the standards

73 of the National Safety Council's eight-hour "Defensive Driving Course" or, in the case of a  
74 violation which occurred during the operation of a motorcycle, the program shall meet the  
75 standards established by the director of the department of public safety pursuant to sections  
76 302.133 to 302.138. The completion of a driver-improvement program or a motorcycle-rider  
77 training course shall not be accepted in lieu of points more than one time in any thirty-six-month  
78 period and shall be completed within sixty days of the date of conviction in order to be accepted  
79 in lieu of the assessment of points. Every court having jurisdiction pursuant to the provisions  
80 of this subsection shall, within fifteen days after completion of the driver- improvement program  
81 or motorcycle-rider training course by an operator, forward a record of the completion to the  
82 director, all other provisions of the law to the contrary notwithstanding. The director shall  
83 establish procedures for record keeping and the administration of this subsection.

302.321. 1. A person commits the crime of driving while revoked if he **or she** operates  
2 a motor vehicle on a highway when his **or her** license or driving privilege has been canceled,  
3 suspended or revoked under the laws of this state and acts with criminal negligence with respect  
4 to knowledge of the fact that [his] **the person's** driving privilege has been canceled, suspended  
5 or revoked.

6 2. Any person convicted of driving while revoked is guilty of a class A misdemeanor  
7 **except as otherwise provided in this section.** Any person with no prior alcohol-related  
8 enforcement contacts as defined in section 302.525, convicted a fourth or subsequent time of  
9 driving while revoked and any person with a prior alcohol-related enforcement contact as defined  
10 in section 302.525, convicted a third or subsequent time of driving while revoked is guilty of a  
11 class D felony. **Any person convicted of driving while revoked whose license was revoked**  
12 **pursuant to a second or subsequent conviction pursuant to section 577.010, RSMo, is guilty**  
13 **of a class D felony.** No court shall suspend the imposition of sentence as to such a person nor  
14 sentence such person to pay a fine in lieu of a term of imprisonment, nor shall such person be  
15 eligible for parole or probation until he **or she** has served [a minimum of forty-eight consecutive  
16 hours of imprisonment, unless as a condition of such parole or probation, such person performs  
17 at least ten days involving at least forty hours of community service under the supervision of the  
18 court in those jurisdictions which have a recognized program for community service. Driving  
19 while revoked is a class D felony on the second or subsequent conviction pursuant to section  
20 577.010, RSMo, or a fourth or subsequent conviction for any other offense] **the minimum**  
21 **sentence required by this section.**

22 3. **Any person convicted of driving while revoked shall be sentenced as provided**  
23 **by sections 558.011, 560.011, and 560.016, RSMo; except that any person who is convicted**  
24 **of driving while revoked shall be sentenced to and shall serve a minimum period of**  
25 **incarceration of forty-eight hours for a first conviction, ten days for a second conviction,**

26 **and thirty days for a third conviction; and for any conviction after the third, a minimum**  
27 **of one year.**

304.012. 1. Every person operating a motor vehicle on the roads and highways of this  
2 state shall drive the vehicle in a careful and prudent manner and at a rate of speed so as not to  
3 endanger the property of another or the life or limb of any person and shall exercise the highest  
4 degree of care.

5 2. [Any person who violates the provisions of this section is guilty of a class B  
6 misdemeanor, unless an accident is involved then it shall be a class A misdemeanor.] **Every**  
7 **person operating a motor vehicle on the roads and highways of this state shall operate the**  
8 **vehicle in a careful and prudent manner and at a rate of speed so as not to cause serious**  
9 **physical injury, as defined in section 556.061, RSMo, of any person.**

10 3. **Every person operating a motor vehicle on the roads and highways of this state**  
11 **shall operate the vehicle in a careful and prudent manner and at a rate of speed so as not**  
12 **to cause moderate physical injury, as defined in section 556.061, RSMo, of any person.**

13 4. **Any person who violates the provisions of subsection 1 of this section shall be**  
14 **guilty of a class B misdemeanor.**

15 5. **Any person who violates the provisions of subsection 2 or 3 of this section shall**  
16 **be guilty of a class A misdemeanor.**

**374.695. Sections 374.695 to 374.775 may be known and shall be cited as the**  
2 **"Professional Bail Bondsman Licensing Act".**

[374.700. As used in sections 374.700 to 374.775, the following terms shall  
2 mean:

3 (1) "Bail bond agent", a surety agent or an agent of a property bail bondsman  
4 who is duly licensed under the provisions of sections 374.700 to 374.775, is  
5 employed by and is working under the authority of a licensed general bail bond agent;

6 (2) "Department", the department of insurance of the state of Missouri;

7 (3) "Director", the director of the department of insurance;

8 (4) "General bail bond agent", a surety agent or a property bail bondsman, as  
9 defined in sections 374.700 to 374.775, who is licensed in accordance with sections  
10 374.700 to 374.775 and who devotes at least fifty percent of his working time to the  
11 bail bond business in this state;

12 (5) "Property bail bondsman", a person who pledges United States currency,  
13 United States postal money orders or cashier's checks or other property as security  
14 for a bail bond in connection with a judicial proceeding, and who receives or is  
15 promised therefor money or other things of value;

16 (6) "Surety bail bond agent", any person appointed by an insurer by power

17 of attorney to execute or countersign bail bonds in connection with judicial  
18 proceedings, and who receives or is promised money or other things of value  
19 therefor.]

**374.700. For the purposes of sections 374.700 to 374.775, the following terms mean:**

2 **(1) "Admission to bail", an order from a competent court that the defendant be**  
3 **discharged from actual custody on bail and fixing the amount of the bail;**

4 **(2) "Bail bond agent", a surety agent or an agent of a property bail bondsman who**  
5 **is duly licensed pursuant to the provisions of sections 374.700 to 374.775, is employed by**  
6 **or is working under the authority of a licensed general bail bond agent;**

7 **(3) "Bail bond or appearance bond", a bond for a specified monetary amount**  
8 **which is executed by the defendant and a qualified licensee pursuant to sections 374.700**  
9 **to 374.775 and which is issued to a court or authorized officer as security for the**  
10 **subsequent court appearance of the defendant upon the defendant's release from actual**  
11 **custody pending the appearance;**

12 **(4) "Department", the department of insurance of the state of Missouri;**

13 **(5) "General bail bond agent", a surety agent or a property bail bondsman who is**  
14 **licensed in accordance with sections 374.700 to 374.775 and who devotes at least fifty**  
15 **percent of his or her working time to the bail bond business in this state;**

16 **(6) "Insurer", any surety insurance company which is qualified by the department**  
17 **to transact surety business in Missouri;**

18 **(7) "Licensee", a bail bond agent or a general bail bond agent;**

19 **(8) "Property bail bondsman", a person who pledges United States currency,**  
20 **United States postal money orders or cashier's checks or other property as security for a**  
21 **bail bond in connection with a judicial proceeding, and who receives or is promised**  
22 **therefor money or other things of value;**

23 **(9) "Surety", a bail bond agent acting through a general bail bond agent, or a**  
24 **resident of the state and an owner of visible property, over and above that exempt from**  
25 **execution to the value of the sum in which bail is required which shall be worth that**  
26 **amount after the payment of debts and liabilities;**

27 **(10) "Surety bail bond agent", any person appointed by an insurer by power of**  
28 **attorney to execute or countersign bail bonds in connection with judicial proceedings, and**  
29 **who receives or is promised money or other things of value therefor;**

30 **(11) "Taking of bail" or "take bail", the acceptance by a person authorized to take**  
31 **bail of the undertaking of a sufficient surety for the appearance of the defendant according**  
32 **to the terms of the undertaking or that the surety will pay to the court the sum specified.**  
33 **Taking of bail or take bail does not include the fixing of the amount of bail and no person**



34 other than a competent court shall fix the amount of bail.

2 374.702. 1. No person shall engage in the bail bond business without being licensed  
as provided in sections 374.700 to 374.775.

3 2. No judge, attorney, court official, law enforcement officer, state, county or  
4 municipal employee, who is either elected or appointed, shall be licensed as a bail bond  
5 agent or a general bail bond agent.

6 3. A bail bond agent shall not execute or issue an appearance bond in this state  
7 without holding a valid appointment from a general bail bond agent and without attaching  
8 to the appearance bond an executed and prenumbered power of attorney referencing the  
9 general bail bond agent or insurer. A person licensed as a bail bond agent shall hold the  
10 license for at least one year prior to owning or being an officer of a licensed general bail  
11 bond agent.

12 4. A general bail bond agent shall not engage in the bail bond business:

13 (1) Without having been licensed as a general bail bond agent pursuant to sections  
14 374.700 to 374.775;

15 (2) Except through an agent licensed as a bail bond agent pursuant to sections  
16 374.700 to 374.775.

17 5. A general bail bond agent shall not permit any unlicensed person to solicit or  
18 engage in the bail bond business in the general bail bond agent's behalf, except for  
19 individuals who are employed solely for the performance of clerical, stenographic,  
20 investigative or other administrative duties which do not require a license pursuant to  
21 sections 374.700 to 374.775.

22 6. Any person who is convicted of a provision of this section is guilty of a class A  
23 misdemeanor. For any subsequent convictions, a person who is convicted of a provision  
24 of this section is guilty of a class D felony.

374.704. 1. Every applicant for a bail bond agent license or a general bail bond  
2 agent license shall apply on forms furnished by the department.

3 2. The application of a bail bond agent shall be accompanied by a duly executed  
4 general power of attorney issued by the general bail bond agent or insurer for whom the  
5 bail bond agent will be acting. Upon issuance of the license, a bail bond agent shall not  
6 issue an appearance bond exceeding the monetary amount for each recognizance which is  
7 specified in and authorized by the general power of attorney filed with the department  
8 until the department receives a duly executed qualifying power of attorney from the  
9 general bail bond agent or insurer evidencing or authorizing increased monetary limits or  
10 amounts for the recognizance.

11 3. An application for a general bail bond agent license shall be accompanied by

12 **proof that the applicant is a Missouri partnership, firm or corporation, or an individual**  
13 **who is a resident of the state. A corporation shall file proof that its most recent annual**  
14 **franchise tax has been paid to the department of revenue as provided in chapter 147,**  
15 **RSMo.**

16 **4. No license shall be granted without a showing that the applicant or applicant's**  
17 **insurer has proof of a three hundred thousand dollar bond or liability policy insuring**  
18 **against any damage to persons or property caused by the applicant.**

374.715. Applications for examination and licensure as a bail bond agent or general bail  
2 bond agent shall be in writing and on forms prescribed and furnished by the department, and  
3 shall contain such information as the department requires. Each application shall be  
4 accompanied by proof satisfactory to the department that the applicant is a citizen of the United  
5 States, is at least twenty-one years of age, is of good moral character, and meets the  
6 qualifications for surety on bail bonds as provided by supreme court rule. Each application shall  
7 be accompanied by the examination and application fee set by the department. In addition, each  
8 applicant for licensure as a general bail bond agent shall furnish proof satisfactory to the  
9 department that the applicant, or, if the applicant is a corporation or partnership, that each officer  
10 or partner thereof has completed at least two years as a bail bond agent, as defined in sections  
11 374.700 to 374.775, and that the applicant possesses liquid assets [of at least ten thousand  
12 dollars] **according to the following schedule**, along with a duly executed assignment [of ten  
13 thousand dollars] to the state of Missouri[, which] **in the same amount:**

14 **(1) If the general bail bond agent employs three or less bail bond agents, at least**  
15 **fifteen thousand dollars;**

16 **(2) If the general bail bond agent employs four to ten bail bond agents, at least**  
17 **twenty-five thousand dollars;**

18 **(3) If the general bail bond agent employs eleven to fifteen bail bond agents, at least**  
19 **forty-five thousand dollars;**

20 **(4) If the general bail bond agent employs sixteen to twenty bail bond agents, at**  
21 **least sixty-five thousand dollars;**

22 **(5) If the general bail bond agent employs twenty-one to twenty-five bail bond**  
23 **agents, at least eighty-five thousand dollars;**

24 **(6) If the general bail bond agent employs twenty-six to fifty bail bond agents, at**  
25 **least one hundred thousand dollars;**

26 **(7) If the general bail bond agent employs over fifty bail bond agents, at least two**  
27 **hundred thousand dollars.**

28

29 **The assignment shall become effective upon the applicant's violating any provision of sections**

30 374.700 to 374.775. The assignment required by this section shall be in the form, and executed  
31 in the manner, prescribed by the department.

**374.717. No insurer or licensee, court or law enforcement officer shall:**

- 2 **(1) Pay a fee or rebate or give or promise anything of value in order to secure a**  
3 **settlement, compromise, remission or reduction of the amount of any bail bond to:**
  - 4 **(a) A jailer, policeman, peace officer, committing judge or any other person who**  
5 **has power to arrest or to hold in custody any person; or**
  - 6 **(b) Any public official or public employee;**
- 7 **(2) Pay a fee or rebate or give anything of value to an attorney in bail bond matters,**  
8 **except in defense of any action on a bond;**
- 9 **(3) Pay a fee or rebate or give promise of anything of value to the principal or**  
10 **anyone in the principal's behalf;**
- 11 **(4) Accept anything of value from a principal except the premium and expenses**  
12 **incurred; provided that, the licensee shall be permitted to accept collateral security or**  
13 **other indemnity from the principal which shall be returned upon final termination of**  
14 **liability on the bond. If a forfeiture has occurred, the collateral security or other indemnity**  
15 **from the principal may be used to reimburse the licensee for any costs and expenses**  
16 **incurred associated with the forfeiture. The collateral security or other indemnity required**  
17 **by the licensee shall be reasonable in relation to the amount of the bond. Collateral may**  
18 **not be sold or otherwise transferred until the termination of liability on the bond. When**  
19 **a licensee accepts collateral, the licensee shall provide a prenumbered written receipt,**  
20 **which shall include in detail a full account of the collateral received by the licensee.**

374.755. 1. The department may cause a complaint to be filed with the administrative  
2 hearing commission as provided by chapter 621, RSMo, against any holder of any license  
3 required by sections 374.700 to 374.775 or any person who has failed to renew or has  
4 surrendered his license for any one or any combination of the following causes:

- 5 **(1) Use of any controlled substance, as defined in chapter 195, RSMo, or alcoholic**  
6 **beverage to an extent that such use impairs a person's ability to perform the work of the**  
7 **profession licensed under sections 374.700 to 374.775;**
- 8 **(2) Having entered a plea of guilty or having been found guilty of a felony or crime**  
9 **involving moral turpitude;**
- 10 **(3) Use of fraud, deception, misrepresentation or bribery in securing any license [issued**  
11 **pursuant to sections 374.700 to 374.775] or in obtaining permission to take any examination**  
12 **[given or] required pursuant to sections 374.700 to 374.775;**
- 13 **(4) Obtaining or attempting to obtain any compensation as a member of the profession**  
14 **licensed by sections 374.700 to 374.775 by means of fraud, deception or misrepresentation;**

15 (5) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty  
16 in the performance of the functions or duties of the profession licensed or regulated by sections  
17 374.700 to 374.775;

18 (6) Violation of[, or assisting or enabling any other person to violate, any provision of  
19 sections 374.700 to 374.775 or of any lawful rule or regulation promulgated pursuant to sections  
20 374.700 to 374.775] **any provisions of, or any obligations imposed by, the laws of this state,**  
21 **department of insurance rules and regulations or aiding or abetting other persons to**  
22 **violate such laws, orders, rules or regulations;**

23 (7) Transferring a license or permitting another person to use a license of the licensee;

24 (8) Disciplinary action against the holder of a license or other right to practice the  
25 profession regulated by sections 374.700 to 374.775 granted by another state, territory, federal  
26 agency or country upon grounds for which revocation or suspension is authorized in this state;

27 (9) Being finally adjudged insane or incompetent by a court of competent jurisdiction;

28 (10) Assisting or enabling any person to practice or offer to practice the profession  
29 licensed or regulated by sections 374.700 to 374.775 who is not currently licensed and eligible  
30 to practice [under] **pursuant to** sections 374.700 to 374.775;

31 (11) [Paying a fee or rebate, or giving or promising anything of value, to a jailer,  
32 policeman, peace officer, judge or any other person who has the power to arrest or to hold  
33 another person in custody, or to any public official or employee, in order to secure a settlement,  
34 compromise, remission or reduction of the amount of any bail bond or estreatment thereof;

35 (12) Paying a fee or rebate, or giving anything of value to an attorney in bail bond  
36 matters, except in defense of any action on a bond;

37 (13) Paying a fee or rebate, or giving or promising anything of value, to the principal or  
38 anyone in his behalf;

39 (14)] Participating in the capacity of an attorney at a trial or hearing of one on whose  
40 bond he is surety.

41 2. After the filing of such complaint, the proceedings shall be conducted in accordance  
42 with the provisions of chapter 621, RSMo. Upon a finding by the administrative hearing  
43 commission that one or more of the causes stated in subsection 1 of this section have been met,  
44 the department may [do any or all of the following:

45 (1) Censure the person involved;

46 (2) Place the person involved on probation on such terms and conditions as the  
47 department deems appropriate for a period not to exceed ten years;

48 (3) Suspend, for a period not to exceed three years, the license of the person involved;

49 (4) Revoke the license of the person involved.] **admonish or censure a licensee, or**  
50 **suspend or revoke the license or enter into an agreement for a monetary or other penalty**

51 pursuant to section 374.280.

52       3. In lieu of filing a complaint at the administrative hearing commission, the  
53 department and the bail bond agent or general bail bond agent may enter into an  
54 agreement for a monetary or other penalty pursuant to section 374.280.

55       4. In addition to any other remedies available, the department may issue a cease  
56 and desist order or may seek an injunction in a court of law pursuant to the provisions of  
57 section 374.046 whenever it appears that any person is acting as a bail bond agent or  
58 general bail bond agent without a license.

      374.757. 1. Any agent licensed by sections 374.700 to 374.775 who intends to  
2 apprehend any person in this state shall inform law enforcement authorities in the city or  
3 county in which such agent intends such apprehension, before attempting such  
4 apprehension. Such agent shall present to the local law enforcement authorities a certified  
5 copy of the bond and all other appropriate paperwork identifying the principal and the  
6 person to be apprehended. Local law enforcement may accompany the agent. Failure of  
7 any agent to whom this section applies to comply with the provisions of this section shall  
8 be a class A misdemeanor for the first violation and a class D felony for subsequent  
9 violations; and shall also be a violation of section 374.755 and may in addition be punished  
10 pursuant to that section.

11       2. Any agent licensed by sections 374.700 to 374.775 who wrongfully causes  
12 damages to any person or property, including but not limited to trespass, unlawful arrest,  
13 unlawful detainment or assault, shall be liable for such damages and may be liable for  
14 punitive damages.

      374.764. 1. The director shall examine and inquire into all violations of the bail  
2 bond law of the state, and inquire into and investigate the bail bond business transacted  
3 in this state by any bail bond agent, general bail bond agent or surety recovery agent.

4       2. The director or any of his duly appointed agents may compel the attendance  
5 before him, and may examine, under oath, the directors, officers, bail bond agents, general  
6 bail bond agents, surety recovery agents, employees or any other person, in reference to  
7 the condition, affairs, management of the bail bond or surety recovery business or any  
8 matters relating thereto. He may administer oaths or affirmations and shall have power  
9 to summon and compel the attendance of witnesses and to require and compel the  
10 production of records, books, papers, contracts or other documents, if necessary.

11       3. The director may make and conduct the investigation in person, or he may  
12 appoint one or more persons to make and conduct the same for him. If made by a person  
13 other than the director, the person duly appointed by the director shall have the same  
14 powers as granted to the director pursuant to this section. A certificate of appointment,

15 under the official seal of the director, shall be sufficient authority and evidence thereof for  
16 the person to act. For the purpose of making the investigations, or having the same made,  
17 the director may employ the necessary clerical, actuarial and other assistance.

374.782. 1. Sections 374.782 to 374.789 shall be known as "The Surety Recovery  
2 Agent Licensure Act".

3 2. As used in sections 374.782 to 374.789, the following terms mean:

4 (1) "Department", the department of insurance of the state of Missouri;

5 (2) "Fugitive recovery", the tracking down, recapturing and surrendering to the  
6 custody of a court a fugitive who has violated a bail bond agreement;

7 (3) "Surety recovery agent", a person not performing the duties of a sworn peace  
8 officer who tracks down, captures and surrenders to the custody of a court a fugitive who  
9 has violated a bail bond agreement, excluding a bail bond agent or general bail bond agent.

374.783. 1. No person shall hold himself or herself out as being a surety recovery  
2 agent in this state, unless such person is licensed in accordance with the provisions of  
3 sections 374.782 to 374.789.

4 2. The department shall have authority to license all surety recovery agents in this  
5 state. The department shall have control and supervision over the licensing of such agents  
6 and the enforcement of the terms and provisions of sections 374.782 to 374.789.

7 3. The department shall have power to:

8 (1) Set and determine the amount of the fees which sections 374.782 to 374.789  
9 authorize and require. The fees shall be set at a level sufficient to produce revenue which  
10 shall not substantially exceed the cost and expense of administering sections 374.782 to  
11 374.789; and

12 (2) Determine the sufficiency of the qualifications of applicants for licensure.

13 4. The department shall license all surety recovery agents in this state who meet the  
14 requirements of sections 374.782 to 374.789.

374.784. 1. A candidate for a surety recovery agent's license shall be at least  
2 twenty-one years of age. A candidate shall furnish evidence of such person's qualifications  
3 by completing an approved licensed surety recovery agent course with at least forty hours  
4 of minimum training at an institution of higher education or any institution approved by  
5 the department.

6 2. The basic course of training shall consist of at least forty hours of training, be  
7 taught by personnel with qualifications approved by the department and may include  
8 instruction in:

9 (1) The following areas of the law:

10 (a) Constitutional law;

- 11 (b) Procedures for arresting defendants and surrendering defendants into custody;
- 12 (c) Civil liability;
- 13 (d) The civil rights of persons who are detained in custody;
- 14 (e) The use of force;
- 15 (2) Procedures for field operations, including, without limitation:
- 16 (a) Safety and survival techniques;
- 17 (b) Searching buildings;
- 18 (c) Handling persons who are mentally ill or under the influence of alcohol or a
- 19 controlled substance; and
- 20 (d) The care and custody of prisoners;
- 21 (3) The skills required regarding:
- 22 (a) Writing reports, completing forms and procedures for exoneration;
- 23 (b) Methods of arrest;
- 24 (c) Nonlethal weapons;
- 25 (d) The retention of weapons;
- 26 (e) Qualifications for the use of firearms;
- 27 (f) Defensive tactics; and
- 28 (g) Principles of investigation, including, without limitation, the basic principles of
- 29 locating defendants who have not complied with the terms and conditions established by
- 30 a court for their release from custody or the terms and conditions of a contract entered into
- 31 with a surety;
- 32 (4) The following subjects:
- 33 (a) Demeanor in a courtroom;
- 34 (b) First aid used in emergencies; and
- 35 (c) Cardiopulmonary resuscitation.
- 36 3. No license shall be granted unless the candidate has proof of a one million dollar
- 37 bond or liability policy insuring against any damages to persons or property caused by the
- 38 candidate.

374.785. 1. The department shall issue a license to any surety recovery agent who  
2 is licensed in another jurisdiction and who has had no violations, suspensions or  
3 revocations of a license to engage in fugitive recovery in any jurisdiction, provided that  
4 such person is licensed in a jurisdiction whose requirements are substantially equal to, or  
5 greater than, the requirements for licensure of surety recovery agents in Missouri at the  
6 time the applicant applies for licensure, the applicant has proof of a one million dollar  
7 bond or liability policy and such general bail bond agent employs a surety recovery agent  
8 holding a valid Missouri surety recovery license.

9           **2. For the purpose of surrender of the defendant, a surety may apprehend the**  
10 **defendant, anywhere within the state of Missouri, before or after the forfeiture of the**  
11 **undertaking without personal liability for false imprisonment or may empower any**  
12 **recovery agent to make apprehension by providing written authority endorsed on a**  
13 **certified copy of the undertaking and paying the lawful fees.**

14           **3. The surety or recovery agent shall inform the local law enforcement in the county**  
15 **or city where such agent is planning to enter a residence. Such agent shall have a certified**  
16 **copy of the bond and all appropriate paperwork to identify the principal. Local law**  
17 **enforcement, when notified, may accompany the surety or recovery agent to that location**  
18 **to keep the peace if an active warrant is effective for a felony or misdemeanor. If a**  
19 **warrant is not active, the local law enforcement officers may accompany the surety or**  
20 **recovery agent to such location. Failure to report to the local law enforcement agency is**  
21 **a class A misdemeanor. For any subsequent violations, failure to report to the local law**  
22 **enforcement agency is a class D felony.**

23           **4. Every applicant for a license pursuant to this section, upon making application**  
24 **and showing the necessary qualifications as provided in this section, shall be required to**  
25 **pay the same fee as the fee required to be paid by resident applicants. Within the limits**  
26 **provided in this section, the department may negotiate reciprocal compacts with licensing**  
27 **entities of other states for the admission of licensed surety recovery agents from Missouri**  
28 **in other states.**

**374.786. 1. Every person licensed pursuant to sections 374.782 to 374.789 shall, on**  
2 **or before the license renewal date, apply to the department for a licensure renewal for the**  
3 **ensuing licensing period. The application shall be made on a form furnished to the**  
4 **applicant and shall state the applicant's full name, the applicant's business address, the**  
5 **address at which the applicant resides, the date the applicant first received a license and**  
6 **the applicant's surety recovery agent identification number, if any.**

7           **2. A blank form for the application for licensure renewal shall be mailed to each**  
8 **person licensed in this state at the person's last known address. The failure to mail the**  
9 **form of application or the failure of a person to receive it does not, however, relieve any**  
10 **person of the duty to be licensed and to pay the license fee required nor exempt such**  
11 **person from the penalties provided for failure to be licensed.**

12           **3. Each applicant for licensure renewal shall accompany such application with a**  
13 **licensure renewal fee to be paid to the department for the licensing period for which**  
14 **licensure renewal is sought.**

15           **4. The department may refuse to issue or renew any license required pursuant to**  
16 **sections 374.782 to 374.789 for any one or any combination of causes stated in section**



17 **374.787. The department shall notify the applicant in writing of the reasons for refusal and**  
18 **shall advise the applicant of his or her right to file a complaint with the administrative**  
19 **hearing commission as provided by chapter 621, RSMo.**

**374.787. 1. The department may cause a complaint to be filed with the**  
2 **administrative hearing commission as provided by chapter 621, RSMo, against any surety**  
3 **recovery agent or any person who has failed to renew or has surrendered his or her license**  
4 **for any one or any combinations of the following causes:**

5 **(1) Violation of any provisions of, or any obligations imposed by, the laws of this**  
6 **state, department of insurance rules and regulations, or aiding or abetting other persons**  
7 **to violate such laws, orders, rules or regulations;**

8 **(2) Having been convicted of a felony or crime involving moral turpitude;**

9 **(3) Using fraud, deception, misrepresentation or bribery in securing a license or in**  
10 **obtaining permission to take any examination required by sections 374.782 to 374.789;**

11 **(4) Obtaining or attempting to obtain any compensation as a surety recovery agent**  
12 **by means of fraud, deception or misrepresentation;**

13 **(5) Acting as a surety recovery agent or aiding or abetting another in acting as a**  
14 **surety recovery agent without a license;**

15 **(6) Incompetency, misconduct, gross negligence, fraud, misrepresentation or**  
16 **dishonesty in the performance of the functions of duties of a surety recovery agent;**

17 **(7) Having revoked or suspended any license by another state.**

18 **2. After the filing of the complaint, the proceedings shall be conducted in**  
19 **accordance with the provisions of chapter 621, RSMo. Upon a finding by the**  
20 **administrative hearing commission that one or more of the causes stated in subsection 1**  
21 **of this section have been met, the department may suspend or revoke the license or enter**  
22 **into an agreement for a monetary or other penalty pursuant to section 374.280.**

23 **3. In lieu of filing a complaint with the administrative hearing commission, the**  
24 **department and the surety recovery agent may enter into an agreement for a monetary or**  
25 **other penalty pursuant to section 374.280.**

26 **4. In addition to any other remedies available, the department may issue a cease**  
27 **and desist order or may seek an injunction in a court of law pursuant to section 374.046**  
28 **whenever it appears that any person is acting as a surety recovery agent without a license.**

**374.788. A surety recovery agent having probable grounds to believe a subject, free**  
2 **on his or her bond, has failed to appear as directed by a court, has breached the terms of**  
3 **the subject's surety agreement or has taken a substantial step toward absconding, may**  
4 **utilize all lawful means to arrest the subject. To surrender a subject to a court a licensed**  
5 **surety recovery agent, having probable grounds to believe the subject is free on their bond,**

6 may:

7 (1) Detain a subject in a reasonable manner, for a reasonable time not to exceed  
8 seventy-two hours;

9 (2) Transport a subject in a reasonable manner from state to state and county to  
10 county to a place of authorized surrender; and

11 (3) Enter upon private or public property in a reasonable manner to execute an  
12 arrest of a subject.

374.789. 1. A person is guilty of a class D felony if he or she does not hold a valid  
2 surety recovery agent's license or a bail bondsman's license and commits any of the  
3 following acts:

4 (1) Holds himself or herself out to be a licensed surety recovery agent within this  
5 state;

6 (2) Claims that he or she can render surety recovery agent services; or

7 (3) Engages in fugitive recovery in this state.

8 2. Any person who engages in fugitive recovery in this state and wrongfully causes  
9 damage to any person or property, including, but not limited to, trespass, unlawful arrest,  
10 unlawful detainment or assault, shall be liable for such damages and may be liable for  
11 punitive damages.

491.707. In all prosecutions brought pursuant to chapter 566, RSMo, sections  
2 565.050, 565.060 and 565.070, RSMo, sections 568.045, 568.050, 568.060, 568.080 and  
3 568.090, RSMo, and sections 573.025 and 573.040, RSMo, the defendant may be physically  
4 excluded from the room in which any and all discovery deposition proceedings are  
5 conducted at which the child victim testifies. For purposes of this section, a "child victim"  
6 means any victim less than sixteen years of age.

494.425. The following persons shall be disqualified from serving as a petit or grand  
2 juror:

3 (1) Any person who is less than [twenty-one] **eighteen** years of age;

4 (2) Any person not a citizen of the United States;

5 (3) Any person not a resident of the county or city not within a county served by the  
6 court issuing the summons;

7 (4) Any person who has been convicted of a felony, unless such person has been restored  
8 to [his] **such person's** civil rights;

9 (5) Any person unable to read, speak and understand the English language;

10 (6) Any person on active duty in the armed forces of the United States or any member  
11 of the organized militia on active duty under order of the governor;

12 (7) Any licensed attorney at law;

- 13 (8) Any judge of a court of record;
- 14 (9) Any person who, in the judgment of the court or the board of jury commissioners,
- 15 is incapable of performing the duties of a juror because of mental or physical illness or infirmity.
- 494.430. Upon timely application to the court, the following persons shall be excused
- 2 from service as a petit or grand juror:
- 3 (1) Any person actually performing the duties of a clergyman;
- 4 (2) Any person who has served on a state or federal petit or grand jury within the
- 5 preceding year;
- 6 (3) Any person whose absence from [his] **such person's** regular place of employment
- 7 would, in the judgment of the court, tend materially and adversely to affect the public safety,
- 8 health, welfare or interest;
- 9 (4) Any person upon whom service as a juror would in the judgment of the court impose
- 10 an extreme hardship;
- 11 (5) Any person licensed to engage in and actively engaged in the practice of medicine,
- 12 osteopathy, chiropractic, dentistry or pharmacy[.];
- 13 **(6) Any person who is enrolled as a full-time student and is not residing within**
- 14 **twenty miles of the city or county where the jury summons is issued.**

**537.297. 1. The following words as used in this section shall have the following**

2 **meanings:**

- 3 **(1) "Owner", all of the following persons:**
- 4 **(a) Any person who lawfully owns anhydrous ammonia;**
- 5 **(b) Any person who lawfully owns a container, equipment or storage facility**
- 6 **containing anhydrous ammonia;**
- 7 **(c) Any person responsible for the installation or operation of such containers,**
- 8 **equipment or storage facilities;**
- 9 **(d) Any person lawfully selling anhydrous ammonia;**
- 10 **(e) Any person lawfully purchasing anhydrous ammonia for agricultural purposes;**
- 11 **(f) Any person who operates or uses anhydrous ammonia containers, equipment**
- 12 **or storage facilities when lawfully applying anhydrous ammonia for agricultural purposes;**
- 13 **(2) "Tamperer", a person who commits or assists in the commission of tampering,**
- 14 **or is related to a person who commits or assists in the commission of tampering;**
- 15 **(3) "Tampering", transferring or attempting to transfer anhydrous ammonia from**
- 16 **its present container, equipment or storage facility to another container, equipment or**
- 17 **storage facility, without prior authorization from the owners.**
- 18 **2. A tamperer assumes the risk of any personal injury, death and other economic**
- 19 **and noneconomic loss arising from his or her participation in the act of tampering. A**

20 **tamperer shall not commence a direct or derivative action against any owner. Owners are**  
21 **immune from suit by a tamperer and shall not be held liable for any negligent act or**  
22 **omission which may cause personal injury, death or other economic or noneconomic loss**  
23 **to a tamperer.**

24 **3. The immunity from liability and suit authorized by this section is expressly**  
25 **waived for owners whose acts or omissions constitute willful or wanton negligence.**

537.523. 1. Irrespective of any criminal prosecution or the result thereof, **any owner of**  
2 **property adjacent to an abandoned family cemetery or private burying ground, as defined**  
3 **in section 214.131, RSMo, any caretaker of an abandoned family cemetery or private**  
4 **burying ground, as defined in section 214.131, RSMo, or any person incurring bodily injury**  
5 **or damage or loss to [his] such person's property as a result of conduct in violation of section**  
6 **574.085[, 574.090 or 574.093] or conduct when the defendant's sentence is enhanced**  
7 **pursuant to section 557.035, RSMo, shall have a civil action to secure an injunction, damages**  
8 **or other appropriate relief in law or in equity against any and all persons who have violated**  
9 **section 574.085[, 574.090 or 574.093] RSMo, or any defendant whose sentence was**  
10 **enhanced pursuant to section 557.035, RSMo.**

11 2. In any such action, whether **a defendant's sentence was enhanced pursuant to**  
12 **section 557.035, RSMo, or a violation of section 574.085, [574.090 or 574.093] RSMo, has**  
13 **occurred shall be determined according to the burden of proof used in other civil actions for**  
14 **similar relief.**

15 3. Upon prevailing in such civil action, the plaintiff may recover:

- 16 (1) Both special and general damages; and  
17 (2) Reasonable attorney fees and costs.

**541.155. Any person charged with fraudulent use of a credit device, or any stealing**  
2 **offense in which another person's credit card number, check or checking account number**  
3 **was fraudulently used for the purpose of obtaining property or services of another, shall**  
4 **be prosecuted:**

- 5 (1) **In the county in which the offense is committed; or**  
6 (2) **If the offense is committed partly in one county and partly in another, or if the**  
7 **elements of the offense occur in more than one county, then in any of the counties where**  
8 **any element of the offense occurred; or**  
9 (3) **In the county in which the defendant resides; or**  
10 (4) **In the county in which the victim resides; or**  
11 (5) **In the county in which the property obtained or attempted to be obtained was**  
12 **located.**

542.261. As used in sections 542.261 to 542.296 and section 542.301, the term "peace

2 officer" means a police officer, member of the highway patrol to the extent otherwise permitted  
3 by law to conduct searches, sheriff or deputy sheriff, **and the term "technological crime" shall**  
4 **be defined as it is in section 578.600, RSMo.**

5 542.276. 1. Any peace officer or prosecuting attorney may make application under  
6 section 542.271 for the issuance of a search warrant. **In any investigation of a technological**  
7 **crime, the attorney general may also make application under section 542.271 for the**  
8 **issuance of a search warrant.**

9 2. The application shall:

10 (1) Be in writing;

11 (2) State the time and date of the making of the application;

12 (3) Identify the property, article, material, substance or person which is to be searched  
13 for and seized, in sufficient detail and particularity that the officer executing the warrant can  
14 readily ascertain it;

15 (4) Identify the person, place, or thing which is to be searched, in sufficient detail and  
16 particularity that the officer executing the warrant can readily ascertain whom or what he **or she**  
17 is to search;

18 (5) State facts sufficient to show probable cause for the issuance of a search warrant;

19 (6) Be verified by the oath or affirmation of the applicant;

20 (7) Be filed in the proper court;

21 (8) Be signed by the prosecuting attorney of the county where the search is to take place,  
22 or [his] **by the prosecuting attorney's designated assistant, or, in the case of an application**  
23 **to search for and seize evidence related to a technological crime, be signed by the attorney**  
24 **general or the attorney general's designated assistant, or the prosecuting attorney or the**  
25 **prosecuting attorney's designated assistant.**

26 3. The application may be supplemented by a written affidavit verified by oath or  
27 affirmation. Such affidavit shall be considered in determining whether there is probable cause  
28 for the issuance of a search warrant and in filling out any deficiencies in the description of the  
29 person, place, or thing to be searched or of the property, article, material, substance, or person  
30 to be seized. Oral testimony shall not be considered.

31 4. The judge shall hold a nonadversary hearing to determine whether sufficient facts have  
32 been stated to justify the issuance of a search warrant. If it appears from the application and any  
33 supporting affidavit that there is probable cause to believe that property, article, material,  
substance, or person subject to seizure is on the person or at the place or in the thing described,  
a search warrant shall immediately be issued. The warrant shall be issued in the form of an  
original and two copies.

5. The application and any supporting affidavit and a copy of the warrant shall be

34 retained in the records of the court from which the warrant was issued.

35 6. The search warrant shall:

36 (1) Be in writing and in the name of the state of Missouri;

37 (2) Be directed to any peace officer in the state;

38 (3) State the time and date the warrant is issued;

39 (4) Identify the property, article, material, substance or person which is to be searched  
40 for and seized, in sufficient detail and particularity that the officer executing the warrant can  
41 readily ascertain it;

42 (5) Identify the person, place, or thing which is to be searched, in sufficient detail and  
43 particularity that the officer executing the warrant can readily ascertain whom or what he **or she**  
44 is to search;

45 (6) Command that the described person, place, or thing be searched and that any of the  
46 described property, article, material, substance, or person found thereon or therein be seized or  
47 photographed or copied and be returned, or the photograph or copy be brought, within ten days  
48 after filing of the application, to the judge who issued the warrant, to be dealt with according to  
49 law;

50 (7) Be signed by the judge, with his **or her** title of office indicated.

51 7. A search warrant issued under this section may be executed only by a peace officer.  
52 The warrant shall be executed by conducting the search and seizure commanded.

53 8. A search warrant shall be executed as soon as practicable and shall expire if it is not  
54 executed and the return made within ten days after the date of the making of the application.

55 9. After execution of the search warrant, the warrant with a return thereon, signed by the  
56 officer making the search, shall be delivered to the judge who issued the warrant. The return  
57 shall show the date and manner of execution, what was seized, and the name of the possessor and  
58 of the owner, when he **or she** is not the same person, if known. The return shall be accompanied  
59 by a copy of the itemized receipt required by subsection [6] **5** of section 542.291. The judge or  
60 clerk shall, upon request, deliver a copy of such receipt to the person from whose possession the  
61 property was taken and to the applicant for the warrant.

62 10. A search warrant shall be deemed invalid:

63 (1) If it was not issued by a judge; or

64 (2) If it was issued without a written application having been filed and verified; or

65 (3) If it was issued without probable cause; or

66 (4) If it was not issued in the proper county; or

67 (5) If it does not describe the person, place, or thing to be searched or the property,  
68 article, material, substance, or person to be seized with sufficient certainty; or

69 (6) If it is not signed by the judge who issued it; or

70 (7) If it was not executed within the time prescribed by subsection 8 of this section.

544.170. **1. Except as provided in subsection 2 of this section**, all persons arrested and  
2 confined in any jail[, calaboose] or other place of confinement by any peace officer, without  
3 warrant or other process, for any alleged breach of the peace or other criminal offense, or on  
4 suspicion thereof, shall be discharged from said custody within twenty hours from the time of  
5 such arrest, unless they shall be charged with a criminal offense by the oath of some credible  
6 person, and be held by warrant to answer to such offense[; and every such person shall, while so  
7 confined, be permitted at all reasonable hours during the day to consult with counsel or other  
8 persons in his behalf; and any person or officer who shall violate the provisions of this section,  
9 by refusing to release any person who shall be entitled to such release, or by refusing to permit  
10 him to see and consult with counsel or other persons, or who shall transfer any such prisoner to  
11 the custody or control of another, or to another place, or prefer against such person a false charge,  
12 with intent to avoid the provisions of this section, shall be deemed guilty of a misdemeanor].

13 **2. Upon a determination by the commanding officer, or the delegate thereof, of the**  
14 **law enforcement agency making such an arrest, a person arrested for any felony offense**  
15 **without warrant or other process of law, shall be released from custody within thirty-two**  
16 **hours of arrest, unless the person is charged and held pursuant to a warrant to answer for**  
17 **such offense.**

18 **3. In any confinement to which the provisions of this section apply, the confinee**  
19 **shall be permitted at any reasonable time to consult with counsel or other persons acting**  
20 **on the confinee's behalf.**

21 **4. Any person who violates the provisions of this section, by refusing to release any**  
22 **person who is entitled to release pursuant to this section, or by refusing to permit a**  
23 **confinee to consult with counsel or other persons, or who transfers any such confinees to**  
24 **the custody or control of another, or to another place, or who falsely charges such person,**  
25 **with intent to avoid the provisions of this section, is guilty of a class A misdemeanor.**

**547.035. 1. A person in the custody of the department of corrections claiming that**  
2 **forensic DNA testing will demonstrate the person's innocence of the crime for which the**  
3 **person is in custody may file a post-conviction motion in the sentencing court seeking such**  
4 **testing. The procedure to be followed for such motions is governed by the rules of civil**  
5 **procedure insofar as applicable.**

6 **2. The motion must allege facts under oath demonstrating that:**

7 **(1) There is evidence upon which DNA testing can be conducted; and**

8 **(2) The evidence was secured in relation to the crime; and**

9 **(3) The evidence was not previously tested by the movant because:**

10 **(a) The technology for the testing was not reasonably available to the movant at the**

11 **time of the trial;**

12 **(b) Neither the movant nor his or her trial counsel was aware of the existence of the**  
13 **evidence at the time of trial; or**

14 **(c) The evidence was otherwise unavailable to both the movant and movant's trial**  
15 **counsel at the time of trial; and**

16 **(4) Identity was an issue in the trial; and**

17 **(5) The evidence to be tested has been subject to a chain of custody sufficient to**  
18 **establish that it has not been substituted, tampered with, replaced or altered in any**  
19 **material aspect; and**

20 **(6) A reasonable probability exists that the movant would not have been convicted**  
21 **if exculpatory results had been obtained through the requested DNA testing.**

22 **3. Movant shall file the motion and two copies thereof with the clerk of the**  
23 **sentencing court. The clerk shall file the motion in the original criminal case and shall**  
24 **immediately deliver a copy of the motion to the prosecutor.**

25 **4. The court shall issue to the prosecutor an order to show cause why the motion**  
26 **should not be granted unless:**

27 **(1) It appears from the motion that the movant is not entitled to relief; or**

28 **(2) The court finds that the files and records of the case conclusively show that the**  
29 **movant is not entitled to relief.**

30 **5. Upon the issuance of the order to show cause, the clerk shall notify the court**  
31 **reporter to prepare and file the transcript of the trial or the movant's guilty plea and**  
32 **sentencing hearing if the transcript has not been prepared or filed.**

33 **6. If the court finds that the motion and the files and records of the case**  
34 **conclusively show that the movant is not entitled to relief, a hearing shall not be held. If**  
35 **a hearing is ordered, counsel shall be appointed to represent the movant if the movant is**  
36 **indigent. The hearing shall be on the record. Movant need not be present at the hearing.**  
37 **The court may order that testimony of the movant shall be received by deposition. The**  
38 **movant shall have the burden of proving the allegations of the motion by a preponderance**  
39 **of the evidence.**

40 **7. The court shall order appropriate testing if the court finds:**

41 **(1) A reasonable probability exists that the movant would not have been convicted**  
42 **if exculpatory results had been obtained through the requested DNA testing; and**

43 **(2) That movant is entitled to relief.**  
44

45 **Such testing shall be conducted by a facility mutually agreed upon by the movant and by**  
46 **the state and approved by the court. If the parties are unable to agree, the court shall**



47 **designate the testing facility. The court shall impose reasonable conditions on the testing**  
48 **to protect the state's interests in the integrity of the evidence and the testing process.**

49 **8. The court shall issue findings of fact and conclusions of law whether or not a**  
50 **hearing is held.**

547.170. In all cases where an appeal or writ of error is prosecuted from a judgment in  
2 a criminal cause, except where the defendant is under sentence of death or imprisonment in the  
3 penitentiary for life, [or] a sentence of imprisonment for a violation of sections 195.222, RSMo,  
4 565.021, RSMo, 565.050, RSMo, [or] subsections 1 and 2 of section 566.030, RSMo, **section**  
5 **566.032 or 566.060, RSMo**, any court or officer authorized to order a stay of proceedings under  
6 the preceding provisions may allow a writ of habeas corpus, to bring up the defendant, and may  
7 thereupon let [him] **the defendant** to bail upon a recognizance, with sufficient sureties, to be  
8 approved by such court or judge.

556.036. 1. A prosecution for murder, **a prosecution pursuant to section 566.030 or**  
2 **566.060, RSMo**, or any class A felony may be commenced at any time.

3 2. Except as otherwise provided in this section, prosecutions for other offenses must be  
4 commenced within the following periods of limitation:

5 (1) For any felony, three years;

6 (2) For any misdemeanor, one year;

7 (3) For any infraction, six months.

8 3. If the period prescribed in subsection 2 has expired, a prosecution may nevertheless  
9 be commenced for:

10 (1) Any offense a material element of which is either fraud or a breach of fiduciary  
11 obligation within one year after discovery of the offense by an aggrieved party or by a person  
12 who has a legal duty to represent an aggrieved party and who is himself or herself not a party to  
13 the offense, but in no case shall this provision extend the period of limitation by more than three  
14 years. As used in this subdivision, the term "person who has a legal duty to represent an  
15 aggrieved party" shall mean the attorney general or the prosecuting or circuit attorney having  
16 jurisdiction pursuant to section 407.553, RSMo, for purposes of offenses committed pursuant  
17 to sections 407.511 to 407.556, RSMo; and

18 (2) Any offense based upon misconduct in office by a public officer or employee at any  
19 time when the defendant is in public office or employment or within two years thereafter, but in  
20 no case shall this provision extend the period of limitation by more than three years; and

21 (3) Any offense based upon an intentional and willful fraudulent claim of child support  
22 arrearage to a public servant in the performance of his or her duties within one year after  
23 discovery of the offense, but in no case shall this provision extend the period of limitation by  
24 more than three years;

25           **(4) Any violation of sections 569.040 to 569.055, RSMo, within five years of the**  
26 **violation.**

27           4. An offense is committed either when every element occurs, or, if a legislative purpose  
28 to prohibit a continuing course of conduct plainly appears, at the time when the course of  
29 conduct or the defendant's complicity therein is terminated. Time starts to run on the day after  
30 the offense is committed.

31           5. A prosecution is commenced either when an indictment is found or an information  
32 filed.

33           6. The period of limitation does not run:

34           (1) During any time when the accused is absent from the state, but in no case shall this  
35 provision extend the period of limitation otherwise applicable by more than three years; or

36           (2) During any time when the accused is concealing himself **or herself** from justice  
37 either within or without this state; or

38           (3) During any time when a prosecution against the accused for the offense is pending  
39 in this state; or

40           (4) During any time when the accused is found to lack mental fitness to proceed pursuant  
41 to section 552.020, RSMo.

          556.061. In this code, unless the context requires a different definition, the following  
2 shall apply:

3           (1) "Affirmative defense" has the meaning specified in section 556.056;

4           (2) "Burden of injecting the issue" has the meaning specified in section 556.051;

5           (3) "Commercial film and photographic print processor", any person who develops  
6 exposed photographic film into negatives, slides or prints, or who makes prints from negatives  
7 or slides, for compensation. The term commercial film and photographic print processor shall  
8 include all employees of such persons but shall not include a person who develops film or makes  
9 prints for a public agency;

10          (4) "Confinement":

11          (a) A person is in confinement when such person is held in a place of confinement  
12 pursuant to arrest or order of a court, and remains in confinement until:

13           a. A court orders the person's release; or

14           b. The person is released on bail, bond, or recognizance, personal or otherwise; or

15           c. A public servant having the legal power and duty to confine the person authorizes [his]  
16 **such person's** release without guard and without condition that [he] **such person** return to  
17 confinement;

18          (b) A person is not in confinement if:

19           a. The person is on probation or parole, temporary or otherwise; or

20           b. The person is under sentence to serve a term of confinement which is not continuous,  
21 or is serving a sentence under a work-release program, and in either such case is not being held  
22 in a place of confinement or is not being held under guard by a person having the legal power  
23 and duty to transport the person to or from a place of confinement;

24           (5) "Consent": consent or lack of consent may be expressed or implied. Assent does not  
25 constitute consent if:

26           (a) It is given by a person who lacks the mental capacity to authorize the conduct charged  
27 to constitute the offense and such mental incapacity is manifest or known to the actor; or

28           (b) It is given by a person who by reason of youth, mental disease or defect, or  
29 intoxication, is manifestly unable or known by the actor to be unable to make a reasonable  
30 judgment as to the nature or harmfulness of the conduct charged to constitute the offense; or

31           (c) It is induced by force, duress or deception;

32           (6) "Criminal negligence" has the meaning specified in section 562.016, RSMo;

33           (7) "Custody", a person is in custody when the person has been arrested but has not been  
34 delivered to a place of confinement;

35           (8) "Dangerous felony" means the felonies of arson in the first degree, assault in the first  
36 degree, forcible rape, forcible sodomy, kidnapping, murder in the second degree [and], robbery  
37 in the first degree, **statutory rape in the first degree when the victim is a child less than**  
38 **twelve years of age at the time of the commission of the act giving rise to the offense,**  
39 **statutory sodomy in the first degree when the victim is a child less than twelve years of age**  
40 **at the time of the commission of the act giving rise to the offense and abuse of a child as set**  
41 **forth in subdivision (2) of subsection 3 of section 568.060, RSMo;**

42           (9) "Dangerous instrument" means any instrument, article or substance, which, under the  
43 circumstances in which it is used, is readily capable of causing death or other serious physical  
44 injury;

45           (10) "Deadly weapon" means any firearm, loaded or unloaded, or any weapon from  
46 which a shot, readily capable of producing death or serious physical injury, may be discharged,  
47 or a switchblade knife, dagger, billy, blackjack or metal knuckles;

48           (11) "Felony" has the meaning specified in section 556.016;

49           (12) "Forcible compulsion" means either:

50           (a) Physical force that overcomes reasonable resistance; or

51           (b) A threat, express or implied, that places a person in reasonable fear of death, serious  
52 physical injury or kidnapping of such person or another person;

53           (13) "Incapacitated" means that physical or mental condition, temporary or permanent,  
54 in which a person is unconscious, unable to appraise the nature of such person's conduct, or  
55 unable to communicate unwillingness to an act. A person is not incapacitated with respect to an

56 act committed upon such person if he or she became unconscious, unable to appraise the nature  
57 of such person's conduct or unable to communicate unwillingness to an act, after consenting to  
58 the act;

59 (14) "Infraction" has the meaning specified in section 556.021;

60 (15) "Inhabitable structure" has the meaning specified in section 569.010, RSMo;

61 (16) "Knowingly" has the meaning specified in section 562.016, RSMo;

62 (17) "Law enforcement officer" means any public servant having both the power and  
63 duty to make arrests for violations of the laws of this state, and federal law enforcement officers  
64 authorized to carry firearms and to make arrests for violations of the laws of the United States;

65 (18) "Misdemeanor" has the meaning specified in section 556.016;

66 **(19) "Moderate physical injury" means physical injury requiring medical attention**  
67 **at a hospital;**

68 [(19)] **(20)** "Offense" means any felony, misdemeanor or infraction;

69 [(20)] **(21)** "Physical injury" means physical pain, illness, or any impairment of physical  
70 condition;

71 [(21)] **(22)** "Place of confinement" means any building or facility and the grounds thereof  
72 wherein a court is legally authorized to order that a person charged with or convicted of a crime  
73 be held;

74 [(22)] **(23)** "Possess" or "possessed" means having actual or constructive possession of  
75 an object with knowledge of its presence. A person has actual possession if such person has the  
76 object on his or her person or within easy reach and convenient control. A person has  
77 constructive possession if such person has the power and the intention at a given time to exercise  
78 dominion or control over the object either directly or through another person or persons.  
79 Possession may also be sole or joint. If one person alone has possession of an object, possession  
80 is sole. If two or more persons share possession of an object, possession is joint;

81 [(23)] **(24)** "Public servant" means any person employed in any way by a government of  
82 this state who is compensated by the government by reason of such person's employment, any  
83 person appointed to a position with any government of this state, or any person elected to a  
84 position with any government of this state. It includes, but is not limited to, legislators, jurors,  
85 members of the judiciary and law enforcement officers. It does not include witnesses;

86 [(24)] **(25)** "Purposely" has the meaning specified in section 562.016, RSMo;

87 [(25)] **(26)** "Recklessly" has the meaning specified in section 562.016, RSMo;

88 [(26)] **(27)** "Ritual" or "ceremony" means an act or series of acts performed by two or  
89 more persons as part of an established or prescribed pattern of activity;

90 [(27)] **(28)** "Serious emotional injury", an injury that creates a substantial risk of  
91 temporary or permanent medical or psychological damage, manifested by impairment of a

92 behavioral, cognitive or physical condition. Serious emotional injury shall be established by  
93 testimony of qualified experts upon the reasonable expectation of probable harm to a reasonable  
94 degree of medical or psychological certainty;

95 [(28)] **(29)** "Serious physical injury" means physical injury that creates a substantial risk  
96 of death or that causes serious disfigurement or protracted loss or impairment of the function of  
97 any part of the body;

98 [(29)] **(30)** "Sexual conduct" means acts of human masturbation; deviate sexual  
99 intercourse; sexual intercourse; or physical contact with a person's clothed or unclothed genitals,  
100 pubic area, buttocks, or the breast of a female in an act of apparent sexual stimulation or  
101 gratification;

102 [(30)] **(31)** "Sexual contact" means any touching of the genitals or anus of any person,  
103 or the breast of any female person, or any such touching through the clothing, for the purpose of  
104 arousing or gratifying sexual desire of any person;

105 [(31)] **(32)** "Sexual performance", any performance, or part thereof, which includes  
106 sexual conduct by a child who is less than seventeen years of age;

107 [(32)] **(33)** "Voluntary act" has the meaning specified in section 562.011, RSMo.

558.019. 1. This section shall not be construed to affect the powers of the governor  
2 under article IV, section 7, of the Missouri Constitution. This statute shall not affect those  
3 provisions of section 565.020, RSMo, section 558.018 or section 571.015, RSMo, which set  
4 minimum terms of sentences, or the provisions of section 559.115, RSMo, relating to probation.

5 2. The provisions of this section shall be applicable to all classes of felonies except those  
6 set forth in chapter 195, RSMo, and those otherwise excluded in subsection 1 of this section.  
7 For the purposes of this section, "prison commitment" means and is the receipt by the department  
8 of corrections of a defendant after sentencing. For purposes of this section, prior prison  
9 commitments to the department of corrections shall not include commitment to a regimented  
10 discipline program established pursuant to section 217.378, RSMo. Other provisions of the law  
11 to the contrary notwithstanding, any defendant who has pleaded guilty to or has been found  
12 guilty of a felony other than a dangerous felony as defined in section 556.061, RSMo, and is  
13 committed to the department of corrections shall be required to serve the following minimum  
14 prison terms:

15 (1) If the defendant has one previous prison commitment to the department of  
16 corrections for a felony offense, the minimum prison term which the defendant must serve shall  
17 be forty percent of his **or her** sentence or until the defendant attains seventy years of age, and has  
18 served at least forty percent of the sentence imposed, whichever occurs first;

19 (2) If the defendant has two previous prison commitments to the department of  
20 corrections for felonies unrelated to the present offense, the minimum prison term which the

21 defendant must serve shall be fifty percent of his **or her** sentence or until the defendant attains  
22 seventy years of age, and has served at least forty percent of the sentence imposed, whichever  
23 occurs first;

24 (3) If the defendant has three or more previous prison commitments to the department  
25 of corrections for felonies unrelated to the present offense, the minimum prison term which the  
26 defendant must serve shall be eighty percent of his **or her** sentence or until the defendant attains  
27 seventy years of age, and has served at least forty percent of the sentence imposed, whichever  
28 occurs first.

29 3. Other provisions of the law to the contrary notwithstanding, any defendant who has  
30 pleaded guilty to or has been found guilty of a dangerous felony as defined in section 556.061,  
31 RSMo, and is committed to the department of corrections shall be required to serve a minimum  
32 prison term of eighty-five percent of the sentence imposed by the court or until the defendant  
33 attains seventy years of age, and has served at least forty percent of the sentence imposed,  
34 whichever occurs first.

35 4. For the purpose of determining the minimum prison term to be served, the following  
36 calculations shall apply:

37 (1) A sentence of life shall be calculated to be thirty years;

38 (2) Any sentence either alone or in the aggregate with other consecutive sentences for  
39 crimes committed at or near the same time which is over seventy-five years shall be calculated  
40 to be seventy-five years.

41 5. For purposes of this section, the term "minimum prison term" shall mean time  
42 required to be served by the defendant before he **or she** is eligible for parole, conditional release  
43 or other early release by the department of corrections. Except that the board of probation and  
44 parole, in the case of consecutive sentences imposed at the same time pursuant to a course of  
45 conduct constituting a common scheme or plan, shall be authorized to convert consecutive  
46 sentences to concurrent sentences, when the board finds, after hearing with notice to the  
47 prosecuting or circuit attorney, that the sum of the terms results in an unreasonably excessive  
48 total term, taking into consideration all factors related to the crime or crimes committed and the  
49 sentences received by others similarly situated.

50 6. (1) A sentencing advisory commission is hereby created to consist of eleven  
51 members. One member shall be appointed by the speaker of the house. One member shall be  
52 appointed by the president pro tem of the senate. One member shall be the director of the  
53 department of corrections. Six members shall be appointed by and serve at the pleasure of the  
54 governor from among the following: the public defender commission; private citizens; a private  
55 member of the Missouri Bar; the board of probation and parole; and a prosecutor. Two members  
56 shall be appointed by the supreme court, one from a metropolitan area and one from a rural area.

57 All members of the sentencing commission appointed prior to August 28, 1994, shall continue  
58 to serve on the sentencing advisory commission at the pleasure of the governor.

59 (2) The commission shall study sentencing practices in the circuit courts throughout the  
60 state for the purpose of determining whether and to what extent disparities exist among the  
61 various circuit courts with respect to the length of sentences imposed and the use of probation  
62 for defendants convicted of the same or similar crimes and with similar criminal histories. The  
63 commission shall also study and examine whether and to what extent sentencing disparity among  
64 economic and social classes exists in relation to the sentence of death and if so, the reasons  
65 therefor. It shall compile statistics, examine cases, draw conclusions, and perform other duties  
66 relevant to the research and investigation of disparities in death penalty sentencing among  
67 economic and social classes.

68 (3) The commission shall establish a system of recommended sentences, within the  
69 statutory minimum and maximum sentences provided by law for each felony committed under  
70 the laws of this state. This system of recommended sentences shall be distributed to all  
71 sentencing courts within the state of Missouri. The recommended sentence for each crime shall  
72 take into account, but not be limited to, the following factors:

73 (a) The nature and severity of each offense;

74 (b) The record of prior offenses by the offender;

75 (c) The data gathered by the commission showing the duration and nature of sentences  
76 imposed for each crime; and

77 (d) The resources of the department of corrections and other authorities to carry out the  
78 punishments that are imposed.

79 (4) The commission shall publish and distribute its system of recommended sentences  
80 on or before July 1, 1995. The commission shall study the implementation and use of the system  
81 of recommended sentences until July 1, 1998, and return a final report to the governor, the  
82 speaker of the house of representatives, and the president pro tem of the senate. Following the  
83 July 1, 1998, report, the commission may revise the recommended sentences every three years.

84 (5) The governor shall select a chairperson who shall call meetings of the commission  
85 as required or permitted pursuant to the purpose of the sentencing commission.

86 (6) The members of the commission shall not receive compensation for their duties on  
87 the commission, but shall be reimbursed for actual and necessary expenses incurred in the  
88 performance of these duties and for which they are not reimbursed by reason of their other paid  
89 positions.

90 (7) The circuit and associate circuit courts of this state, the office of the state courts  
91 administrator, the department of public safety, and the department of corrections shall cooperate  
92 with the commission by providing information or access to information needed by the

93 commission. The office of the state courts administrator will provide needed staffing resources.

94       **7. If the imposition or execution of a sentence is suspended, the court may consider**  
95 **ordering restorative justice methods pursuant to section 217.777, RSMo, including any or**  
96 **all of the following:**

97       **(1) Restitution to any victim for costs incurred as a result of the offender's actions;**

98       **(2) Offender treatment programs;**

99       **(3) Mandatory community services;**

100       **(4) Work release programs in local facilities;**

101       **(5) Community-based residential or nonresidential programs;**

102       **(6) Any other method that the court finds just or appropriate.**

103       **8. If the imposition or execution of a sentence is suspended for a misdemeanor, in**  
104 **addition to the provisions of subsection 7 of this section, the court may order the**  
105 **assessment and payment of a designated amount of money to a county crime reduction**  
106 **fund established by the county commission pursuant to section 50.555, RSMo. Said**  
107 **contribution shall not exceed one thousand dollars for any misdemeanor offense. Any**  
108 **money deposited into the county crime reduction fund pursuant to this section shall only**  
109 **be expended as authorized by section 50.555, RSMo. An annual audit of the fund shall be**  
110 **conducted by the county auditor or the state auditor.**

111       **9. The provisions of this section shall apply only to offenses occurring on or after August**  
112 **28, 1994.**

559.100. 1. The circuit courts of this state shall have power, herein provided, to place  
2 on probation or to parole persons convicted of any offense over which they have jurisdiction,  
3 except as otherwise provided in sections 195.275 to 195.296, RSMo, section 558.018, RSMo,  
4 section 565.020, RSMo, section 571.015, RSMo, and section 559.115.

5       2. The circuit court shall have the power to revoke the probation or parole previously  
6 granted and commit the person to the department of corrections. The circuit court shall  
7 determine any conditions of probation or parole for the defendant that it deems necessary to  
8 ensure the successful completion of the probation or parole term, including the extension of any  
9 term of supervision for any person while on probation or parole. The circuit court may require  
10 that the defendant pay restitution for his crime. **Court-ordered restitution shall be paid by the**  
11 **defendant at all times while under court, state or county supervision, except during periods**  
12 **of incarceration, and such orders of restitution shall be enforced as provided in subdivision**  
13 **(18) of subsection 1 of section 595.209, RSMo.** The probation or parole may be revoked for  
14 failure to pay restitution or for failure to conform his behavior to the conditions imposed by the  
15 circuit court. The circuit court may, in its discretion, credit any period of probation or parole as  
16 time served on a sentence.



- 565.024. 1. A person commits the crime of involuntary manslaughter in the first degree
- 2 if [he] **the person:**
- 3 (1) Recklessly causes the death of another person; or
- 4 (2) While in an intoxicated condition operates a motor vehicle in this state and, when so
- 5 operating, acts with criminal negligence to cause the death of any person; **or**
- 6 **(3) While in the process of committing any crime pursuant to chapter 195, RSMo,**
- 7 **or while in the process of committing any other crime wherein the sale, distribution,**
- 8 **trafficking, use or other activity involving any controlled substance is:**
- 9 **(a) An element of such crime; and**
- 10 **(b) The cause of such death;**
- 11
- 12 **knowingly fails to summon aid when a reasonable person in the same circumstance would**
- 13 **have done so, for a person whose death could have been avoided had aid been summoned,**
- 14 **or prevents others from summoning such aid.**
- 15 2. Involuntary manslaughter in the first degree is a class C felony.
- 16 3. A person commits the crime of involuntary manslaughter in the second degree if he
- 17 acts with criminal negligence to cause the death of any person.
- 18 4. Involuntary manslaughter in the second degree is a class D felony.

- 565.042. 1. There is hereby created a "Commission on the Death Penalty", to**
- 2 **consist of nine members: one member from each political party in the house of**
- 3 **representatives, to be appointed by the speaker of the house; one member from each**
- 4 **political party in the senate, to be appointed by the president pro tem; one member to be**
- 5 **appointed by the state public defender or designee thereof; one member appointed by the**
- 6 **attorney general or a designee thereof; and three victims advocacy members to be selected**
- 7 **as follows: one member to be appointed by the chair of the Missouri state prosecutors**
- 8 **association, one member to be appointed by the chair of the Missouri police officers**
- 9 **association, and one member to be appointed by the Missouri victim assistance network.**
- 10 **The members of the commission shall serve without compensation, but the members shall**
- 11 **be reimbursed for necessary expenses incurred in the work of the commission, such as**
- 12 **travel, food, and lodging. The commission shall be appointed and staffed on or before**
- 13 **December 1, 2001.**
- 14 **2. An executive director of the commission on the death penalty shall be appointed**
- 15 **by the commission to administer projects and programs for the operation of the**
- 16 **commission and shall transmit monthly to the commission a report of the operations of the**
- 17 **commission for the preceding month.**
- 18 **3. The commission on the death penalty shall hold public hearings and call before**

19 it witnesses to testify on issues relevant to the administration of the death penalty in  
20 Missouri. The commission may create an Internet web site and other means to  
21 communicate with the public and invite citizen input.

22 4. The commission on the death penalty shall be given access to all information  
23 relating to death penalty cases and first and second degree murder cases maintained by the  
24 Missouri supreme court, inferior state courts, county and state prosecutor offices, and the  
25 state public defender system. The commission may contract with universities for research  
26 assistance in collecting and analyzing information on all aspects of the death penalty as  
27 administered in Missouri.

28 5. The commission shall study all aspects of the death penalty as administered in  
29 Missouri. As part of this study, the commission on the death penalty may review and  
30 analyze all cases in which charges of second degree murder or first degree murder  
31 committed on or after January 1, 1977, were filed. Such review and analysis shall examine  
32 all available data concerning:

33 (1) The facts of the offense including mitigating and aggravating circumstances,  
34 and information on the impact of the crime;

35 (2) The county in which the charges were filed;

36 (3) The charges originally filed;

37 (4) The crime for which the defendant was convicted or entered a plea of guilty;

38 (5) The sentence imposed;

39 (6) The age, race, gender, religious preference and economic status of the defendant  
40 and of the victim;

41 (7) Whether evidence exists that the defendant was mentally retarded;

42 (8) The cost per disposition and implementation of sentence;

43 (9) The identity, number and experience level of defense counsel at trial, appeal,  
44 and post-conviction;

45 (10) The identity, number and experience level of trial and appellate prosecutors,  
46 including, where appropriate, members of the staff of the attorney general;

47 (11) The results of any post-conviction review in state or federal court.

48 6. In considering the experience level of attorneys and the adequacy of resources  
49 as described in subdivisions (9) and (10) of subsection 5 of this section, the commission  
50 shall consider the experience and training levels required by the Missouri supreme court,  
51 the experience and training levels required by the courts and legislators of other  
52 jurisdictions in which the death penalty is imposed and the recommendations of national  
53 associations.

54 7. The review conducted by the commission shall include new criminal homicide

55 charges filed during the state period.

56 8. The commission shall report its findings and recommendations regarding the  
57 death penalty, including remedies for any deficiencies found by the commission, to the  
58 governor, members of the legislature, and the Missouri supreme court by January 1, 2004.

59 9. The commission shall make recommendations for amendments to the statutes  
60 and court rules pertaining to cases in which the death penalty is sought or imposed to  
61 provide assurances that:

62 (1) Defendants who are sentenced to death are in fact guilty of first degree murder;

63 (2) Defendants in cases in which the death penalty is sought are provided adequate  
64 and experienced counsel and adequate resources for the defense of their cases at trial;

65 (3) Defendants in cases in which the death penalty is imposed are provided  
66 adequate and experienced counsel and adequate resources for the defense of their cases at  
67 the appellate and post-conviction stages;

68 (4) Race does not play an impermissible role in determining which defendants are  
69 sentenced to death;

70 (5) Appellate and post-conviction procedures are adequate to provide a fair  
71 opportunity for the courts of this state to correct errors and injustices that occurred at trial  
72 in cases in which the death penalty is imposed, including but not limited to, allowing access  
73 to physical evidence for later testing and analysis; and

74 (6) All prosecutors throughout this state use similar criteria to determine whether  
75 to seek the death penalty in a case involving criminal homicide.

565.050. 1. A person commits the crime of assault in the first degree if [he] **the person**  
2 attempts to kill or knowingly causes or attempts to cause serious physical injury to  
3 another person.

4 2. Assault in the first degree is a class B felony unless in the course thereof the actor  
5 inflicts serious physical injury on the victim in which case it is a class A felony.

6 3. **No person who pleads guilty to or is found guilty of assault in the first degree**  
7 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**  
8 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**  
9 **on or waiting to board a bus or light rail system.**

565.060. 1. A person commits the crime of assault in the second degree if [he] **the**  
2 **person:**

3 (1) Attempts to kill or knowingly causes or attempts to cause serious physical injury to  
4 another person under the influence of sudden passion arising out of adequate cause; or

5 (2) Attempts to cause or knowingly causes physical injury to another person by means  
6 of a deadly weapon or dangerous instrument; or

7 (3) Recklessly causes serious physical injury to another person; or

8 (4) While in an intoxicated condition or under the influence of controlled substances or  
9 drugs, operates a motor vehicle in this state and, when so operating, acts with criminal  
10 negligence to cause physical injury to any other person than himself **or herself**; or

11 (5) Recklessly causes physical injury to another person by means of discharge of a  
12 firearm.

13 2. The defendant shall have the burden of injecting the issue of influence of sudden  
14 passion arising from adequate cause [under] **pursuant to** subdivision (1) of subsection 1 of this  
15 section.

16 3. Assault in the second degree is a class C felony.

17 **4. No person who pleads guilty to or is found guilty of assault in the second degree**  
18 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**  
19 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**  
20 **on or waiting to board a bus or light rail system.**

565.070. 1. A person commits the crime of assault in the third degree if:

2 (1) The person attempts to cause or recklessly causes physical injury to another person;  
3 or

4 (2) With criminal negligence the person causes physical injury to another person by  
5 means of a deadly weapon; or

6 (3) The person purposely places another person in apprehension of immediate physical  
7 injury; or

8 (4) The person recklessly engages in conduct which creates a grave risk of death or  
9 serious physical injury to another person; or

10 (5) The person knowingly causes physical contact with another person knowing the other  
11 person will regard the contact as offensive or provocative; or

12 (6) The person knowingly causes physical contact with an incapacitated person, as  
13 defined in section 475.010, RSMo, which a reasonable person, who is not incapacitated, would  
14 consider offensive or provocative.

15 2. Except as provided in subsections 3 and 4 of this section, assault in the third degree  
16 is a class A misdemeanor.

17 3. A person who violates the provisions of subdivision (3) or (5) of subsection 1 of this  
18 section is guilty of a class C misdemeanor.

19 4. A person who has pled guilty to or been found guilty of the crime of assault in the  
20 third degree more than two times against any family or household member as defined in section  
21 455.010, RSMo, is guilty of a class D felony for the third or any subsequent commission of the  
22 crime of assault in the third degree when a class A misdemeanor. The offenses described in this

23 subsection may be against the same family or household member or against different family or  
24 household members.

25 **5. No person who pleads guilty to or is found guilty of assault in the third degree**  
26 **shall receive a suspended imposition or execution of sentence, probation or a fine in lieu**  
27 **of a term of imprisonment if the assault was on a mass transit worker or passenger while**  
28 **on or waiting to board a bus or light rail system.**

565.084. 1. A person commits the crime of tampering with a judicial officer if, with the  
2 purpose to harass, intimidate or influence a judicial officer in the performance of such officer's  
3 official duties, [he] **the actor**:

4 (1) Threatens or causes harm to such judicial officer or members of such judicial officer's  
5 family;

6 (2) Uses force, threats, or deception against or toward such judicial officer or members  
7 of such judicial officer's family;

8 (3) Offers, conveys or agrees to convey any benefit direct or indirect upon such judicial  
9 officer or such judicial officer's family;

10 (4) Engages in conduct reasonably calculated to harass or alarm such judicial officer or  
11 such judicial officer's family, including stalking pursuant to section 565.225.

12 2. A judicial officer for purposes of this section shall be a judge, arbitrator, special  
13 master, juvenile court commissioner, state probation or parole officer, **juvenile court officer** or  
14 referee.

15 3. A judicial officer's family for purposes of this section shall be:

16 (1) [His] **the officer's** spouse; or

17 (2) [His or his] **The officer's or the officer's** spouse's ancestor or descendant by blood  
18 or adoption; or

19 (3) [His] **The officer's** stepchild, while the marriage creating that relationship exists.

20 4. Tampering with a judicial officer is a class C felony.

**565.200. 1. Any owner or employee of a long-term care facility, as defined in**  
2 **section 660.600, RSMo, or an in-home services provider agency, as defined in section**  
3 **660.250, RSMo, who:**

4 (1) **Has sexual contact, as defined in section 566.010, RSMo, with a resident or**  
5 **client is guilty of a class B misdemeanor. Any person who commits a second or subsequent**  
6 **violation of this subdivision is guilty of a class A misdemeanor; or**

7 (2) **Has sexual intercourse or deviant sexual intercourse, as defined in section**  
8 **566.010, RSMo, with a resident or client is guilty of a class D felony. Any person who**  
9 **commits a second or subsequent violation of this subdivision is guilty of a class C felony.**

10 **2. Consent of the victim is no defense to a prosecution pursuant to this section.**

11           **3. The provisions of this section shall not apply to an owner or employee of a long-**  
12 **term care facility or in-home services provider agency who engages in sexual conduct, as**  
13 **defined in section 566.010, RSMo, with a resident or client to whom the owner or employee**  
14 **is married.**

565.225. 1. As used in this section, the following terms shall mean:

2           (1) "Course of conduct", a pattern of conduct composed of a series of acts, **which may**  
3 **include electronic or other communications**, over a period of time, however short, evidencing  
4 a continuity of purpose. Constitutionally protected activity is not included within the meaning  
5 of "course of conduct". Such constitutionally protected activity includes picketing or other  
6 organized protests;

7           (2) "Credible threat", a threat made with the intent to cause the person who is the target  
8 of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a  
9 threat to cause physical injury to, a person **and may include a threat communicated to the**  
10 **targeted person in writing, including electronic communications, by telephone, or by the**  
11 **posting of a site or message that is accessible via computer and is reasonably likely to cause**  
12 **the targeted person to reasonably fear for his or her safety if made aware of the content of**  
13 **the site or message;**

14           (3) "Harasses", to engage in a course of conduct directed at a specific person that serves  
15 no legitimate purpose, that would cause a reasonable person to suffer substantial emotional  
16 distress, and that actually causes substantial emotional distress to that person;

17           (4) "Unconsented contact", any contact with a specific person or persons that is  
18 initiated or continued without the consent of such person or persons and in disregard of  
19 the express desire of such person or persons that such contact be discontinued, including  
20 but not limited to:

21           (a) Following or appearing within sight of such person or persons;

22           (b) Approaching or confronting such person or persons in any place;

23           (c) Appearing or lingering at the residence or workplace of such person or persons;

24           (d) Entering onto or remaining on property owned, leased, or occupied by such  
25 person or persons;

26           (e) Attempting to communicate with such person or persons by any written or  
27 electronic means;

28           (f) Placing, delivering, or causing to be placed or delivered objects intended to be  
29 discovered by such person or persons in or on property owned, leased or occupied by such  
30 person or persons.

31           2. Any person who purposely and repeatedly harasses or follows with the intent of  
32 harassing another person commits the crime of stalking.

33           3. Any person who purposely and repeatedly harasses or follows with the intent of  
34 harassing or harasses another person, and makes a credible threat with the intent to place that  
35 person in reasonable fear of death or serious physical injury, commits the crime of aggravated  
36 stalking.

37           4. The crime of stalking shall be a class A misdemeanor for the first offense. A second  
38 or subsequent offense within five years of a previous finding or plea of guilt against any victim  
39 shall be a class D felony.

40           5. The crime of aggravated stalking shall be a class D felony for the first offense. A  
41 second or subsequent offense within five years of a previous finding or plea of guilt against any  
42 victim shall be a class C felony.

43           6. Any law enforcement officer may arrest, without a warrant, any person he or she has  
44 probable cause to believe has violated the provisions of this section.

**565.310. 1. A person commits the crime of human cloning if that person knowingly  
2 engages in or knowingly attempts to engage in human cloning.**

3           **2. As used in this section the following terms mean:**

4           **(1) "Human cloning", the use of human somatic cell nuclear transfer technology**  
5 **to produce a human embryo;**

6           **(2) "Human embryo", a human egg cell with a full genetic composition capable of**  
7 **differentiating and maturing as a complete human being;**

8           **(3) "Human somatic cell", a cell of a developing or fully developed human being**  
9 **that is not and will not become a sperm or egg cell;**

10           **(4) "Human somatic cell nuclear transfer", transferring the nucleus of a human**  
11 **somatic cell into an egg cell from which the nucleus has been removed or rendered inert.**

12           **3. Nothing in this section shall be construed as prohibiting scientific research or**  
13 **cell-based therapies not specifically prohibited by this section.**

14           **4. Any person violating the provisions of this section is guilty of a class B felony.**

15           **5. Any corporation violating the provisions of this section is guilty of a felony for**  
16 **which the authorized punishment is a fine of not more than ten million dollars.**

566.067. 1. A person commits the crime of child molestation in the first degree if he or  
2 she subjects another person who is less than fourteen years of age to sexual contact.

3           2. Child molestation in the first degree is a class B felony unless the actor has previously  
4 **pleaded guilty to or has been convicted of an offense [under] pursuant to this chapter or has**  
5 **pleaded guilty to or been convicted of an offense in another state or jurisdiction which**  
6 **would have constituted an offense pursuant to this chapter if it had been committed in this**  
7 **state,** or in the course thereof the actor inflicts serious physical injury, displays a deadly weapon  
8 or deadly instrument in a threatening manner, or the offense is committed as part of a ritual or

9 ceremony, in which case the crime is a class A felony.

566.068. 1. A person **over twenty-one years of age** commits the crime of child  
2 molestation in the second degree if he or she subjects another person who is less than [seventeen]  
3 **sixteen** years of age to sexual contact.

4 2. Child molestation in the second degree is a class [A misdemeanor] **D felony** unless  
5 the actor has previously **pleaded guilty to or** been convicted of an offense [under] **pursuant to**  
6 **this chapter or has pleaded guilty to or been convicted of an offense in another state or**  
7 **jurisdiction which would have constituted an offense pursuant to this chapter if it had been**  
8 **committed in this state**, or in the course thereof the actor inflicts serious physical injury on any  
9 person, displays a deadly weapon or dangerous instrument in a threatening manner, or the offense  
10 is committed as part of a ritual or ceremony, in which case the crime is a class [D] **C felony**.

**566.069. 1. A person commits the crime of child molestation in the third degree if**  
2 **such person subjects another person who is less than thirteen years of age to conduct which**  
3 **would constitute sexual contact except that the touching occurs through clothing.**

4 2. Child molestation in the third degree is a class **D felony** unless the actor has  
5 previously **pleaded guilty to or been convicted of an offense pursuant to this chapter or had**  
6 **pleaded guilty to or been convicted of an offense in another state or jurisdiction which**  
7 **would have constituted an offense pursuant to this chapter if it had been committed in this**  
8 **state, or in the course thereof the actor inflicts serious physical injury, displays a deadly**  
9 **weapon or a dangerous instrument in a threatening manner, or the offense is committed**  
10 **as part of a ritual or ceremony in which case the crime is a class C felony.**

11 3. A person over twenty-one years of age commits the crime of child molestation in  
12 the fourth degree if such person subjects another person who is less than sixteen years of  
13 age to conduct which would constitute sexual contact except that the touching occurs  
14 through clothing.

15 4. Child molestation in the fourth degree is a class **A misdemeanor** unless the actor  
16 has previously **pleaded guilty to or been convicted of an offense pursuant to this chapter**  
17 **or had pleaded guilty to or been convicted of an offense in another state or jurisdiction**  
18 **which would have constituted an offense pursuant to this chapter if it had been committed**  
19 **in this state, or in the course thereof the actor inflicts serious physical injury, displays a**  
20 **deadly weapon or a dangerous instrument in a threatening manner, or the offense is**  
21 **committed as part of a ritual or ceremony in which case the crime is a class D felony.**

566.083. 1. A person commits the crime of sexual misconduct involving a child if the  
2 person:

3 (1) Knowingly exposes the person's genitals to a child less than fourteen years of age in  
4 a manner that would cause a reasonable adult to believe that the conduct is likely to cause affront



5 or alarm to a child less than fourteen years of age;

6 (2) Knowingly exposes the person's genitals to a child less than fourteen years of age for  
7 the purpose of arousing or gratifying the sexual desire of any person, including the child; or

8 (3) Coerces a child less than fourteen years of age to expose the child's genitals for the  
9 purpose of arousing or gratifying the sexual desire of any person, including the child.

10 2. As used in this section, the term "sexual act" means any of the following, whether  
11 performed or engaged in either with any other person or alone: sexual or anal intercourse,  
12 masturbation, bestiality, sadism, masochism, fetishism, fellatio, cunnilingus, any other sexual  
13 activity or nudity, if such nudity is to be depicted for the purpose of sexual stimulation or  
14 gratification of any individual who may view such depiction.

15 3. Violation of this section is a class D felony[; except that the] **unless the actor has**  
16 **previously pleaded guilty to or been convicted of an offense pursuant to this chapter or the**  
17 **actor has previously pleaded guilty to or been convicted of an offense in another state or**  
18 **jurisdiction which would constitute an offense pursuant to this chapter if it had been**  
19 **committed in this state in which case it is a class C felony. A second or any subsequent**  
20 violation of [this section is] **this chapter makes this offense** a class C felony.

566.090. 1. A person commits the crime of sexual misconduct in the first degree if he  
2 has deviate sexual intercourse with another person of the same sex or he purposely subjects  
3 another person to sexual contact or engages in conduct which would constitute sexual contact  
4 except that the touching occurs through the clothing without that person's consent.

5 2. Sexual misconduct in the first degree is a class A misdemeanor unless the actor has  
6 previously **pleaded guilty to or been convicted of an offense [under] pursuant to this chapter**  
7 **or the actor has previously pleaded guilty to or been convicted of an offense against the**  
8 **laws of another state or jurisdiction which would constitute an offense pursuant to this**  
9 **chapter if it had been committed in this state, or unless in the course thereof the actor displays**  
10 a deadly weapon in a threatening manner or the offense is committed as a part of a ritual or  
11 ceremony, in which case it is a class D felony.

566.093. 1. A person commits the crime of sexual misconduct in the second degree if  
2 [he] **such person:**

3 (1) Exposes his **or her** genitals under circumstances in which [he] **such person** knows  
4 that his **or her** conduct is likely to cause affront or alarm; or

5 (2) Has sexual contact in the presence of a third person or persons under circumstances  
6 in which [he] **such person** knows that such conduct is likely to cause affront or alarm.

7 2. Sexual misconduct in the second degree is a class B misdemeanor unless the actor has  
8 previously **pleaded guilty to or been convicted of an offense [under] pursuant to this chapter**  
9 **or has pleaded guilty to or been convicted of an offense in another state or jurisdiction**

10 **which would constitute an offense pursuant to this chapter if it had been committed in this**  
11 **state, in which case it is a class A misdemeanor.**

**566.111. 1. For purposes of this section, the following terms mean:**

2 **(1) "Animal", every creature, either alive or dead, other than a human being;**

3 **(2) "Sexual conduct with an animal", any touching of an animal with the genitals**  
4 **or any touching of the genitals or anus of an animal for the purpose of arousing or**  
5 **gratifying sexual desire.**

6 **2. No person shall engage in any sexual conduct with an animal, or cause, aid or**  
7 **abet another person to engage in any sexual conduct with an animal. No person shall**  
8 **permit any sexual conduct with an animal on any premises under such person's charge or**  
9 **control. No person shall engage in, promote, aid or abet any activity involving any sexual**  
10 **conduct with an animal for commercial or recreational purposes.**

11 **3. Any person who violates this section shall be guilty of a class D felony. Any**  
12 **person who violates this section in the presence of a minor or causes any animal serious**  
13 **physical injury or death while violating or attempting to violate this section shall be guilty**  
14 **of a class C felony.**

15 **4. In addition to the penalty imposed, the court may:**

16 **(1) Prohibit the defendant permanently or for a reasonable time from harboring**  
17 **animals or residing in any household where animals are present;**

18 **(2) Order the defendant to relinquish and permanently forfeit all animals residing**  
19 **in the defendant's household to a recognized or duly incorporated animal shelter or**  
20 **humane society, and order the defendant to reimburse such shelter or humane society for**  
21 **all reasonable costs incurred for the care and maintenance of the animals involved in the**  
22 **violation of this section; and**

23 **(3) Order psychological evaluation and counseling of the defendant, at the**  
24 **defendant's expense.**

25 **5. Nothing in this section shall be construed to prohibit generally accepted animal**  
26 **husbandry practices or generally accepted veterinary medical practices performed by a**  
27 **licensed veterinarian or veterinary technician.**

28 **6. Any person acting under authority of this section may seize any and all animals**  
29 **involved in the alleged violation. The defendant charged with violating this section shall**  
30 **be provided a disposition hearing pursuant to section 578.018, RSMo.**

**566.140. Any person who has pleaded guilty to or been found guilty of violating the**  
2 **provisions of this chapter, and is granted a suspended imposition or execution of sentence or**  
3 **placed under the supervision of the board of probation and parole shall be required to participate**  
4 **in and successfully complete a program of treatment, education and rehabilitation designed for**

5 perpetrators of sexual offenses. **Any person participating in such a program shall follow all**  
6 **directives of the program treatment provider.** Persons required to attend a program pursuant  
7 to this section may be charged a reasonable fee to cover the costs of such program.

566.141. Any person who is convicted of or pleads guilty or nolo contendere to any  
2 sexual offense involving a child shall be required as a condition of probation or parole to be  
3 involved in **and successfully complete** an appropriate treatment program.

**568.176. 1. Any person who sells or attempts to sell any person less than eighteen**  
2 **years of age to another or receives money or anything of value in consideration of placing**  
3 **any person less than eighteen years of age in the custody or under the power or control of**  
4 **another, or who buys or attempts to buy any person less than eighteen years of age, or pays**  
5 **money or delivers anything of value to another in consideration of having any person less**  
6 **than eighteen years of age placed in his or her custody or under his or her power or control**  
7 **is guilty of a class B felony.**  
8 **2. The provisions of this section shall not apply to legitimate adoptions, to legitimate**  
9 **actions by department of corrections officials or county jailers, or to any negotiations or**  
10 **legal proceedings of any kind between parents, guardians, grandparents or other similar**  
11 **concerned parties that relate to the legal custody of minor children.**

569.070. 1. A person commits the crime of causing catastrophe if [he] **such person:**  
2 **(1) Knowingly causes a catastrophe by explosion, fire, flood, collapse of a building,**  
3 **release of poison, radioactive material, bacteria, virus or other dangerous and difficult to confine**  
4 **force or substance; or**

5 **(2) Knowingly causes a catastrophe by modifying, destroying, damaging or**  
6 **disabling any computer network or program; or**

7 **(3) Knowingly causes a catastrophe by initiating a computer virus.**

8 2. "Catastrophe" means death or serious physical injury to [ten] **five** or more people or  
9 substantial damage to five or more buildings or inhabitable structures or substantial damage to  
10 a **private or public utility**, vital public facility **or public service** which seriously impairs its  
11 usefulness or operation.

12 3. Causing catastrophe is a class A felony.

570.010. As used in this chapter:

2 (1) "Adulterated" means varying from the standard of composition or quality prescribed  
3 by statute or lawfully promulgated administrative regulations of this state lawfully filed, or if  
4 none, as set by commercial usage;

5 (2) "Appropriate" means to take, obtain, use, transfer, conceal or retain possession of;

6 (3) "Coercion" means a threat, however communicated:

7 (a) To commit any crime; or

- 8 (b) To inflict physical injury in the future on the person threatened or another; or  
9 (c) To accuse any person of any crime; or  
10 (d) To expose any person to hatred, contempt or ridicule; or  
11 (e) To harm the credit or business repute of any person; or  
12 (f) To take or withhold action as a public servant, or to cause a public servant to take or  
13 withhold action; or  
14 (g) To inflict any other harm which would not benefit the actor.  
15
- 16 A threat of accusation, lawsuit or other invocation of official action is not coercion if the  
17 property sought to be obtained by virtue of such threat was honestly claimed as restitution or  
18 indemnification for harm done in the circumstances to which the accusation, exposure, lawsuit  
19 or other official action relates, or as compensation for property or lawful service. The defendant  
20 shall have the burden of injecting the issue of justification as to any threat;
- 21 (4) "Credit device" means a writing, number or other device purporting to evidence an  
22 undertaking to pay for property or services delivered or rendered to or upon the order of a  
23 designated person or bearer;
- 24 (5) "Dealer" means a person in the business of buying and selling goods;
- 25 (6) "Debit device" means a card, code, number or other device, other than a check, draft  
26 or similar paper instrument, by the use of which a person may initiate an electronic fund transfer,  
27 including but not limited to devices that enable electronic transfers of benefits to public  
28 assistance recipients;
- 29 (7) "Deceit" means purposely making a representation which is false and which the actor  
30 does not believe to be true and upon which the victim relies, as to a matter of fact, law, value,  
31 intention or other state of mind. The term "deceit" does not, however, include falsity as to  
32 matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary  
33 persons in the group addressed. Deception as to the actor's intention to perform a promise shall  
34 not be inferred from the fact alone that he **or she** did not subsequently perform the promise;
- 35 (8) "Deprive" means:  
36 (a) To withhold property from the owner permanently; or  
37 (b) To restore property only upon payment of reward or other compensation; or  
38 (c) To use or dispose of property in a manner that makes recovery of the property by the  
39 owner unlikely;
- 40 (9) "Mislabeled" means varying from the standard of truth or disclosure in labeling  
41 prescribed by statute or lawfully promulgated administrative regulations of this state lawfully  
42 filed, or if none, as set by commercial usage; or represented as being another person's product,  
43 though otherwise accurately labeled as to quality and quantity;

44           (10) **"New and unused property" means tangible personal property that has never**  
45 **been used since its production or manufacture and is in its original unopened package or**  
46 **container if such property was packaged;**

47           (11) "Of another" property or services is that "of another" if any natural person,  
48 corporation, partnership, association, governmental subdivision or instrumentality, other than  
49 the actor, has a possessory or proprietary interest therein, except that property shall not be  
50 deemed property of another who has only a security interest therein, even if legal title is in the  
51 creditor pursuant to a conditional sales contract or other security arrangement;

52           [(11)] (12) "Property" means anything of value, whether real or personal, tangible or  
53 intangible, in possession or in action, and shall include but not be limited to the evidence of a  
54 debt actually executed but not delivered or issued as a valid instrument;

55           [(12)] (13) "Receiving" means acquiring possession, control or title or lending on the  
56 security of the property;

57           [(13)] (14) "Services" includes transportation, telephone, electricity, gas, water, or other  
58 public service, accommodation in hotels, restaurants or elsewhere, admission to exhibitions and  
59 use of vehicles;

60           [(14)] (15) "Writing" includes printing, any other method of recording information,  
61 money, coins, negotiable instruments, tokens, stamps, seals, credit cards, badges, trademarks and  
62 any other symbols of value, right, privilege or identification.

          570.020. For the purposes of this chapter, the value of property shall be ascertained as  
2 follows:

3           (1) Except as otherwise specified in this section, "value" means the market value of the  
4 property at the time and place of the crime, or if such cannot be satisfactorily ascertained, the  
5 cost of replacement of the property within a reasonable time after the crime. **If the victim is a**  
6 **merchant, as defined in section 400.2-104, RSMo, and the property is a type that the**  
7 **merchant sells in the ordinary course of business, then the property shall be valued at the**  
8 **price that such merchant would normally sell such property;**

9           (2) Whether or not they have been issued or delivered, certain written instruments, not  
10 including those having a readily ascertainable market value such as some public and corporate  
11 bonds and securities, shall be evaluated as follows:

12           (a) The value of an instrument constituting evidence of debt, such as a check, draft or  
13 promissory note, shall be deemed the amount due or collectible thereon or thereby, such figure  
14 ordinarily being the face amount of the indebtedness less any portion thereof which has been  
15 satisfied;

16           (b) The value of any other instrument which creates, releases, discharges or otherwise  
17 affects any valuable legal right, privilege or obligation shall be deemed the greatest amount of

18 economic loss which the owner of the instrument might reasonably suffer by virtue of the loss  
19 of the instrument;

20 (3) When the value of property cannot be satisfactorily ascertained pursuant to the  
21 standards set forth in subdivisions (1) and (2) of this section, its value shall be deemed to be an  
22 amount less than one hundred fifty dollars.

570.030. 1. A person commits the crime of stealing if he or she appropriates property  
2 or services of another with the purpose to deprive him or her thereof, either without his or her  
3 consent or by means of deceit or coercion.

4 2. Evidence of the following is admissible in any criminal prosecution under this section  
5 on the issue of the requisite knowledge or belief of the alleged stealer:

6 (1) That he or she failed or refused to pay for property or services of a hotel, restaurant,  
7 inn or boardinghouse;

8 (2) That he or she gave in payment for property or services of a hotel, restaurant, inn or  
9 boardinghouse a check or negotiable paper on which payment was refused;

10 (3) That he or she left the hotel, restaurant, inn or boardinghouse with the intent to not  
11 pay for property or services;

12 (4) That he or she surreptitiously removed or attempted to remove his or her baggage  
13 from a hotel, inn or boardinghouse;

14 **(5) That he or she drove a motor vehicle so as to cause it to leave the premises of an**  
15 **establishment at which motor fuel offered for retail sale was dispensed into the fuel tank**  
16 **of such motor vehicle without paying for or making an authorized charge for such motor**  
17 **fuel;**

18 **(6) That he or she, with intent to cheat or defraud a retailer, possesses, uses, utters,**  
19 **transfers, makes, alters, counterfeits or reproduces a retail sales receipt, price tag or**  
20 **universal price code label, or possesses with intent to cheat or defraud, the device that**  
21 **manufactures fraudulent receipts or universal price code labels.**

22 3. **Stealing is a class D felony if the value of the property or services appropriated**  
23 **is more than five hundred dollars but not more than one thousand dollars.** Stealing is a  
24 class C felony if:

25 (1) The value of the property or services appropriated is [seven hundred fifty] **more than**  
26 **one thousand** dollars [or more]; or

27 (2) The actor physically takes the property appropriated from the person of the victim;  
28 or

29 (3) The property appropriated consists of:

30 (a) Any motor vehicle, watercraft or aircraft; or

31 (b) Any will or unrecorded deed affecting real property; or

- 32 (c) Any credit card or letter of credit; or  
33 (d) Any firearms; or  
34 (e) A United States national flag designed, intended and used for display on buildings  
35 or stationary flagstaffs in the open; or  
36 (f) Any original copy of an act, bill or resolution, introduced or acted upon by the  
37 legislature of the state of Missouri; or  
38 (g) Any pleading, notice, judgment or any other record or entry of any court of this state,  
39 any other state or of the United States; or  
40 (h) Any book of registration or list of voters required by chapter 115, RSMo; or  
41 (i) Any animal of the species of horse, mule, ass, cattle, swine, sheep, or goat; or  
42 (j) Live fish raised for commercial sale with a value of seventy-five dollars; or  
43 (k) Any controlled substance as defined by section 195.010, RSMo.
- 44 4. If an actor appropriates any material with a value [less than one hundred fifty] **of five**  
45 **hundred dollars or less** in violation of this section with the intent to use such material to  
46 manufacture, compound, produce, prepare, test or analyze amphetamine or methamphetamine  
47 or any of their analogues, then such violation is a class D felony. The theft of any amount of  
48 anhydrous ammonia **or liquid nitrogen, or any attempt to steal any amount of anhydrous**  
49 **ammonia or liquid nitrogen**, is a class [D] C felony. **The theft of any amount of anhydrous**  
50 **ammonia by appropriation of a tank truck, tank trailer, rail tank car, bulk storage tank,**  
51 **field (nurse) tank or field applicator is a class A felony.**
- 52 5. The theft of any item of property or services [under] **pursuant to** subsection 3 of this  
53 section which exceeds [seven hundred fifty] **five hundred** dollars may be considered a separate  
54 felony and may be charged in separate counts.
- 55 6. Any person with a prior conviction of paragraph (i) of subdivision (3) of subsection  
56 3 of this section and who violates the provisions of paragraph (i) of subdivision (3) of subsection  
57 3 of this section when the value of the animal or animals stolen exceeds three thousand dollars  
58 is guilty of a class B felony.
- 59 7. Any violation of this section for which no other penalty is specified in this section is  
60 a class A misdemeanor.
- 570.080. 1. A person commits the crime of receiving stolen property if for the purpose  
2 of depriving the owner of a lawful interest therein, [he] **the person** receives, retains or disposes  
3 of property of another knowing that it has been stolen, or believing that it has been stolen.
- 4 2. Evidence of the following is admissible in any criminal prosecution [under] **pursuant**  
5 **to** this section to prove the requisite knowledge or belief of the alleged receiver:
- 6 (1) That [he] **the person** was found in possession or control of other property stolen on  
7 separate occasions from two or more persons;

8 (2) That [he] **the person** received other stolen property in another transaction within the  
9 year preceding the transaction charged;

10 (3) That [he] **the person** acquired the stolen property for a consideration which [he] **the**  
11 **person** knew was far below its reasonable value.

12 3. Receiving stolen property is a class A misdemeanor unless the property involved has  
13 a value of [one hundred fifty dollars or more,] **more than five hundred dollars but not more**  
14 **than one thousand dollars, in which case receiving stolen property is a class D felony. If**  
15 **the property involved has a value of more than one thousand dollars,** or the person receiving  
16 the property is a dealer in goods of the type in question, [in which cases] receiving stolen  
17 property is a class C felony.

570.090. 1. A person commits the crime of forgery if, with the purpose to defraud, [he]  
2 **the person:**

3 (1) Makes, completes, alters or authenticates any writing so that it purports to have been  
4 made by another or at another time or place or in a numbered sequence other than was in fact the  
5 case or with different terms or by authority of one who did not give such authority; or

6 (2) Erases, obliterates or destroys any writing; or

7 (3) Makes or alters anything other than a writing, **including receipts and universal**  
8 **product codes**, so that it purports to have a genuineness, antiquity, rarity, ownership or  
9 authorship which it does not possess; or

10 (4) Uses as genuine, or possesses for the purpose of using as genuine, or transfers with  
11 the knowledge or belief that it will be used as genuine, any writing or other thing **including**  
12 **receipts and universal product codes**, which the actor knows has been made or altered in the  
13 manner described in this section.

14 2. Forgery is a class C felony.

570.120. 1. A person commits the crime of passing a bad check when:

2 (1) With purpose to defraud, [he] **the person** makes, issues or passes a check or other  
3 similar sight order for the payment of money, knowing that it will not be paid by the drawee, or  
4 that there is no such drawee; or

5 (2) [He] **The person** makes, issues, or passes a check or other similar sight order for the  
6 payment of money, knowing that there are insufficient funds in [his] **that** account or that there  
7 is no such account or no drawee and fails to pay the check or sight order within ten days after  
8 receiving actual notice in writing that it has not been paid because of insufficient funds or credit  
9 with the drawee or because there is no such drawee.

10 2. As used in subdivision (2) of subsection 1 of this section, actual notice in writing  
11 means notice of the nonpayment which is actually received by the defendant. Such notice may  
12 include the service of summons or warrant upon the defendant for the initiation of the



13 prosecution of the check or checks which are the subject matter of the prosecution if the  
14 summons or warrant contains information of the ten-day period during which the instrument may  
15 be paid and that payment of the instrument within such ten-day period will result in dismissal  
16 of the charges. The requirement of notice shall also be satisfied for written communications  
17 which are tendered to the defendant and which the defendant refuses to accept.

18         3. The face amounts of any bad checks passed pursuant to one course of conduct within  
19 any ten-day period may be aggregated in determining the grade of the offense.

20         4. Passing bad checks is a class A misdemeanor, unless:

21             (1) The face amount of the check or sight order or the aggregated amounts is one  
22 hundred fifty dollars or more; or

23             (2) The issuer had no account with the drawee or if there was no such drawee at the time  
24 the check or order was issued, in which cases passing bad checks is a class D felony.

25         5. (1) In addition to all other costs and fees allowed by law, each prosecuting attorney  
26 or circuit attorney who takes any action [under] **pursuant to** the provisions of this section shall  
27 collect from the issuer in such action an administrative handling cost. The cost shall be [five  
28 dollars for checks of less than ten dollars, ten dollars for checks of ten dollars but less than one  
29 hundred dollars, and twenty-five dollars for checks of one hundred dollars or more] **twenty-five**  
30 **dollars for any bad check. For checks of one hundred dollars or more, an additional fee**  
31 **of ten percent of the face amount shall be assessed, with a maximum fee for administrative**  
32 **handling costs not to exceed fifty dollars total.** Notwithstanding the provisions of sections  
33 50.525 to 50.745, RSMo, the costs provided for in this subsection shall be deposited by the  
34 county treasurer into a separate interest-bearing fund to be expended by the prosecuting attorney  
35 or circuit attorney. The funds shall be expended, upon warrants issued by the prosecuting  
36 attorney or circuit attorney directing the treasurer to issue checks thereon, only for purposes  
37 related to that [previously] authorized in this section. Any revenues that are not required for the  
38 purposes of this section may be placed in the general revenue fund of the county or city not  
39 within a county.

40             (2) The moneys deposited in the fund may be used by the prosecuting or circuit attorney  
41 for office supplies, postage, books, training, office equipment, [capital outlay,] expenses of trial  
42 and witness preparation, additional employees for the staff of the prosecuting or circuit attorney  
43 and employees' salaries.

44             (3) This fund may be audited by the state auditor's office or the appropriate auditing  
45 agency.

46             (4) If the moneys collected and deposited into this fund are not totally expended  
47 annually, then the unexpended balance shall remain in said fund and the balance shall be kept  
48 in said fund to accumulate from year to year.

49           6. [Notwithstanding any other provisions of law to the contrary, in addition to the  
50 administrative handling costs provided for in subsection 5 of this section, the prosecuting  
51 attorney or circuit attorney may, in his discretion, collect from the issuer, in addition to the face  
52 amount of the check, a reasonable service charge, which along with the face amount of the check  
53 shall be turned over to the party to whom the bad check was issued. If the prosecuting attorney  
54 or circuit attorney does not collect the service charge and the face amount of the check, the party  
55 to whom the check was issued may collect from the issuer a reasonable service charge along with  
56 the face amount of the check.] **Notwithstanding any other provision of law to the contrary:**

57           **(1) In addition to the administrative handling costs provided for in subsection 5 of**  
58 **this section, the prosecuting attorney or circuit attorney shall collect from the issuer, in**  
59 **addition to the face amount of the check, a reasonable service charge, which along with the**  
60 **face amount of the check, shall be turned over to the party to whom the bad check was**  
61 **issued;**

62           **(2) If a check that is dishonored or returned unpaid by a financial institution is not**  
63 **referred to the prosecuting attorney or circuit attorney for any action pursuant to the**  
64 **provisions of this section, the party to whom the check was issued, or his or her agent or**  
65 **assignee, or a holder, may collect from the issuer, in addition to the face amount of the**  
66 **check, a reasonable service charge, not to exceed thirty dollars, plus an amount equal to**  
67 **the actual charge by the depository institution for the return of each unpaid or dishonored**  
68 **instrument.**

69           7. In all cases where a prosecutor receives notice from the original holder that a person  
70 has violated this section with respect to a payroll check or order, the prosecutor, if [he] **such**  
71 **prosecutor** determines there is a violation of this section, shall file an information or seek an  
72 indictment within sixty days of such notice and may file an information or seek an indictment  
73 thereafter if the prosecutor has failed through neglect or mistake to do so within sixty days of  
74 such notice and if [he] **such prosecutor** determines there is sufficient evidence shall further  
75 prosecute such cases.

76           8. When any financial institution returns a dishonored check to the person who deposited  
77 such check, it shall be in substantially the same physical condition as when deposited, or in such  
78 condition as to provide the person who deposited the check the information required to identify  
79 the person who wrote the check.

          570.130. 1. A person commits the crime of fraudulent use of a credit device or debit  
2 device if the person uses a credit device or debit device for the purpose of obtaining services or  
3 property, knowing that:

4           (1) The device is stolen, fictitious or forged; or

5           (2) The device has been revoked or canceled; **or**

6 (3) For any other reason his use of the device is unauthorized; or

7 (4) **Uses a credit device or debit device for the purpose of paying property taxes and**  
8 **knowingly cancels or charges said payment with a credit card company or financial**  
9 **institution without just cause. It shall be a prima facie evidence of violation of this section**  
10 **if a person cancels or charges back said payment after obtaining a property tax receipt to**  
11 **obtain license tags from the Missouri department of revenue.**

12 2. Fraudulent use of a credit device or debit device is a class A misdemeanor unless the  
13 value of the **property tax**, property or services obtained or sought to be obtained within any  
14 thirty-day period is one hundred fifty dollars or more, in which case fraudulent use of a credit  
15 device or debit device is a class D felony.

570.135. 1. No person shall knowingly make or cause to be made, directly or indirectly,  
2 a false statement regarding another person for the purpose of fraudulently procuring the issuance  
3 of a credit card or debit card. **No person shall knowingly use the credit card or debit card of**  
4 **another person without the consent of such person.**

5 2. No person shall willfully obtain personal identifying information of another person  
6 without the authorization of that person and use that information fraudulently to obtain, or  
7 attempt to obtain, credit, goods or services in the name of the other person without the consent  
8 of that person.

9 3. Any person who violates the provisions of subsection 1 or 2 of this section is guilty  
10 of a [class A misdemeanor] **B felony, unless ten thousand dollars or more in goods or**  
11 **services are procured as a result of such violation in which case it is a class C felony. Any**  
12 **second or subsequent violation of subsection 1 or 2 of this section is a class C felony.**

13 4. As used in this section, "personal identifying information" means the name, address,  
14 telephone number, driver's license number, Social Security number, [place of employment,]  
15 employee identification number, [mother's maiden name,] demand deposit account number,  
16 savings account number or credit card number of a person.

17 5. Notwithstanding subsections 1 to 4 of this section, no corporation, proprietorship,  
18 partnership, limited liability company, limited liability partnership or other business entity shall  
19 be liable under this section for accepting applications for credit cards or debit cards or for the  
20 credit cards or debit cards in any credit or debit transaction, absent clear and convincing evidence  
21 that such business entity conspired with or was a part of the fraudulent procuring of the issuance  
22 of a credit card or debit card.

571.030. 1. A person commits the crime of unlawful use of weapons if he or she  
2 knowingly:

3 (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or  
4 any other weapon readily capable of lethal use; or

5 (2) Sets a spring gun; or

6 (3) Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft,  
7 or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the  
8 assembling of people; or

9 (4) Exhibits, in the presence of one or more persons, any weapon readily capable of  
10 lethal use in an angry or threatening manner; or

11 **(5) Exhibits, in the presence of one or more persons, while on any school bus, or on**  
12 **the premises of any school or on the premises of any function or activity sponsored or**  
13 **sanctioned by the district school board, a firearm readily capable of lethal use in an angry**  
14 **or threatening manner; or**

15 **(6) Discharges or shoots a firearm into the air in violation of a local ordinance**  
16 **during calendar days of July third, July fourth, July fifth, December thirtieth, December**  
17 **thirty-first or January first, except when in legal pursuit of any wildlife or while engaging**  
18 **in or practicing for a recognized sport; or**

19 [(5)] (7) Possesses or discharges a firearm or projectile weapon while intoxicated; or

20 [(6)] (8) Discharges a firearm within one hundred yards of any occupied schoolhouse,  
21 courthouse, or church building; or

22 [(7)] (9) Discharges or shoots a firearm at a mark, at any object, or at random, on, along  
23 or across a public highway or discharges or shoots a firearm into any outbuilding; or

24 [(8)] (10) Carries a firearm or any other weapon readily capable of lethal use into any  
25 church or place where people have assembled for worship, or into any election precinct on any  
26 election day, or into any building owned or occupied by any agency of the federal government,  
27 state government, or political subdivision thereof, or into any public assemblage of persons met  
28 for any lawful purpose; or

29 [(9)] (11) Discharges or shoots a firearm at or from a motor vehicle, as defined in section  
30 301.010, RSMo, while within any city, town, or village, and discharges or shoots a firearm at any  
31 person, or at any other motor vehicle, or at any building or habitable structure, unless the person  
32 was lawfully acting in self-defense; or

33 [(10)] (12) Carries a firearm, whether loaded or unloaded, or any other weapon readily  
34 capable of lethal use into any school, onto any school bus, or onto the premises of any function  
35 or activity sponsored or sanctioned by school officials or the district school board.

36 **(13) Carries a firearm, readily capable of lethal use, into any school, onto any**  
37 **school bus, or onto the premises of any function or activity sponsored or sanctioned by the**  
38 **district school board with the intent to use it.**

39 2. Subdivisions (1), (3), (4), [(6), (7), (8) , (9) and (10)] **(5), (6), (8), (9), (10), (11), (12)**  
40 **and (13)** of subsection 1 of this section shall not apply to or affect any of the following:

41 (1) All state, county and municipal law enforcement officers possessing the duty and  
42 power of arrest for violation of the general criminal laws of the state or for violation of  
43 ordinances of counties or municipalities of the state, or any person summoned by such officers  
44 to assist in making arrests or preserving the peace while actually engaged in assisting such  
45 officer;

46 (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other  
47 institutions for the detention of persons accused or convicted of crime;

48 (3) Members of the armed forces or national guard while performing their official duty;

49 (4) Those persons vested by article V, section 1 of the Constitution of Missouri with the  
50 judicial power of the state and those persons vested by article III of the Constitution of the United  
51 States with the judicial power of the United States, the members of the federal judiciary;

52 (5) Any person whose bona fide duty is to execute process, civil or criminal;

53 (6) Any federal probation officer;

54 (7) Any state probation or parole officer, including supervisors and members of the  
55 board of probation and parole; and

56 (8) Any corporate security advisor meeting the definition and fulfilling the requirements  
57 of the regulations established by the board of police commissioners under section 84.340, RSMo;  
58 **and**

59 **(9) Any juvenile officer while performing duties incident to his or her office who has**  
60 **fulfilled the requirements of section 590.105, RSMo; and**

61 **(10) Any prosecuting or circuit attorney.**

62 3. Subdivisions (1), [(5) , (8) and (10)] **(7), (10), (12) and (13)** of subsection 1 of this  
63 section do not apply when the [actor] **person** is transporting such weapons in a nonfunctioning  
64 state or in an unloaded state when ammunition is not readily accessible or when such weapons  
65 are not readily accessible. **Ordinances of any political subdivision notwithstanding,**  
66 subdivision (1) of subsection 1 of this section does not apply **to any person twenty-one years**  
67 **of age or older transporting a concealable firearm in the passenger compartment of a**  
68 **motor vehicle, so long as such concealable firearm is otherwise lawfully possessed and is**  
69 **not carried on the person, nor** when the [actor] **person** is also in possession of an exposed  
70 firearm or projectile weapon for the lawful pursuit of game, or is in [his] **such person's** dwelling  
71 unit or upon business premises over which the [actor] **person** has possession, authority or  
72 control, or is traveling in a continuous journey peaceably through this state. [Subdivision (10)]  
73 **Subdivision (12) and (13)** of subsection 1 of this section [does] **do** not apply if the firearm is  
74 otherwise lawfully possessed by a person while traversing school premises for the purposes of  
75 transporting a student to or from school, or possessed by an adult for the purposes of facilitation  
76 of a school-sanctioned firearm- related event.

77           4. Nothing in this section shall make it unlawful for a student to actually participate in  
78 school-sanctioned gun safety courses, student military or ROTC courses, or other  
79 school-sponsored firearm-related events, provided the student does not carry a firearm or other  
80 weapon readily capable of lethal use into any school, onto any school bus, or onto the premises  
81 of any function or activity sponsored or sanctioned by school officials or the district school  
82 board.

83           5. Unlawful use of weapons is a class D felony unless committed pursuant to subdivision  
84 [(5), (6), (7) or (8)] **(7), (8) (9) or (10)** of subsection 1 of this section, in which cases it is a class  
85 B misdemeanor, **or subdivision (6) of subsection 1 of this section, in which case it is a class**  
86 **A misdemeanor**, or subdivision [(10)] **(12)** of subsection 1 of this section, in which case it is a  
87 class A misdemeanor if the firearm is unloaded and a class D felony if the firearm is loaded, or  
88 subdivision [(9)] **(11)** of subsection 1 of this section, in which case it is a class B felony, except  
89 that if the violation of subdivision [(9)] **(11)** of subsection 1 of this section results in injury or  
90 death to another person, it is a class A felony [.] **or subdivision (5) or (13) of subsection 1 of**  
91 **this section in which case it is a felony for which the authorized term of imprisonment is**  
92 **a term of years not less than five and not to exceed seven years.**

93           6. Violations of subdivision [(9)] **(11)** of subsection 1 of this section shall be punished  
94 as follows:

95           (1) For the first violation a person shall be sentenced to the maximum authorized term  
96 of imprisonment for a class B felony;

97           (2) For any violation by a prior offender as defined in section 558.016, RSMo, a person  
98 shall be sentenced to the maximum authorized term of imprisonment for a class B felony without  
99 the possibility of parole, probation or conditional release for a term of ten years;

100           (3) For any violation by a persistent offender as defined in section 558.016, RSMo, a  
101 person shall be sentenced to the maximum authorized term of imprisonment for a class B felony  
102 without the possibility of parole, probation, or conditional release;

103           (4) For any violation which results in injury or death to another person, a person shall  
104 be sentenced to an authorized disposition for a class A felony.

105           7. Any person knowingly aiding or abetting any other person in the violation of  
106 subdivision [(9)] **(11)** of subsection 1 of this section shall be subject to the same penalty as that  
107 prescribed by this section for violations by other persons.

571.070. 1. A person commits the crime of unlawful possession of a concealable firearm  
2 if he **or she** has any concealable firearm in his **or her** possession and:

3           (1) He **or she** has pled guilty to or has been convicted of a dangerous felony, as defined  
4 in section 556.061, RSMo, or of an attempt to commit a dangerous felony, or of a crime under  
5 the laws of any state or of the United States which, if committed within this state, would be a

6 dangerous felony, or confined therefor in this state or elsewhere during the five-year period  
7 immediately preceding the date of such possession; or

8 (2) **At the same time he or she possesses or has under his or her control any**  
9 **controlled substance except thirty-five grams or less of marijuana; or**

10 (3) He or she is a fugitive from justice, is habitually in an intoxicated or drugged  
11 condition, or is currently adjudged mentally incompetent.

12 2. Unlawful possession of a concealable firearm **committed pursuant to subdivisions**  
13 **(1) and (2) of subsection 1 of this section, is a felony for which the authorized term of**  
14 **imprisonment is a term of years not less than five years and not to exceed seven years;**  
15 **unlawful possession of a concealable firearm committed pursuant to subdivision (3) of**  
16 **subsection 1 of this section is a class C felony.**

574.085. 1. A person commits the crime of institutional vandalism by knowingly  
2 vandalizing, defacing or otherwise damaging:

3 (1) Any church, synagogue or other building, structure or place used for religious  
4 worship or other religious purpose;

5 (2) Any cemetery, mortuary, military monument or other facility used for the purpose  
6 of burial or memorializing the dead;

7 (3) Any school, educational facility, community center, hospital or medical clinic owned  
8 and operated by a religious or sectarian group;

9 (4) The grounds adjacent to, and owned or rented by, any institution, facility, building,  
10 structure or place described in subdivision (1), (2), or (3) of this subsection;

11 (5) Any personal property contained in any institution, facility, building, structure or  
12 place described in subdivision (1), (2), or (3) of this subsection; or

13 (6) Any motor vehicle which is owned, operated, leased or under contract by a school  
14 district or a private school for the transportation of school children.

15 2. Institutional vandalism is punishable as follows:

16 (1) Institutional vandalism is a class A misdemeanor[, except as provided in subdivisions  
17 (2) and (3) of this subsection] **if the damage to or loss of the property is valued at less than**  
18 **five hundred dollars;**

19 (2) Institutional vandalism is a class D felony if the [offender commits any act described  
20 in subsection 1 of this section which causes damage to, or loss of, the property of another in an  
21 amount in excess of one thousand dollars] **damage to or loss of the property is valued at at**  
22 **least five hundred dollars and not more than ten thousand dollars;**

23 (3) Institutional vandalism is a class C felony if the [offender commits any act described  
24 in subsection 1 of this section which causes damage to, or loss of, the property of another in an  
25 amount in excess of five thousand dollars] **damage to or loss of the property is valued at at**

26 **least ten thousand dollars and less than one hundred thousand dollars;**

27 **(4) Institutional vandalism is a class C felony and the offender shall be sentenced**  
28 **to seven years incarceration without possibility of probation or parole, if the damage to or**  
29 **loss of the property is valued at at least one hundred thousand dollars.**

30 3. In determining the amount of damage to property or loss of property, for purposes of  
31 this section, damage includes the cost of repair or, where necessary, replacement of the property  
32 that was damaged or lost.

33 **4. In addition to any other penalty, the offender shall be ordered to pay restitution**  
34 **for the damage to or loss of the property.**

**575.155. 1. A person commits the crime of eluding a law enforcement official if**  
2 **such person:**

3 **(1) Operates a motor vehicle after receiving a clearly visible flashing or revolving**  
4 **light and an audible signal, such as a red light or a siren, from a law enforcement official**  
5 **driving a motor vehicle, directing the person to bring the motor vehicle to a stop where**  
6 **such law enforcement official has a reasonable suspicion that a law or local ordinance has**  
7 **been violated; and**

8 **(2) Purposely increases the speed of the motor vehicle or extinguishes the lights of**  
9 **the motor vehicle for the purpose of eluding such law enforcement official; or**

10 **(3) Purposely attempts in any other manner to elude the law enforcement official;**  
11 **or**

12 **(4) Does elude such law enforcement official.**

13 **2. Eluding a law enforcement official is a class A misdemeanor.**

14 **3. Nothing in this section shall be construed to bar civil suits for unlawful arrest.**

15 **4. As used in this section, "law enforcement official" means anyone defined as a**  
16 **peace officer in section 590.100, RSMo.**

**575.230. 1. A person commits the crime of aiding escape of a prisoner if [he] the**  
2 **person:**

3 **(1) Introduces into any place of confinement any deadly weapon or dangerous**  
4 **instrument, or other thing adapted or designed for use in making an escape, with the purpose of**  
5 **facilitating the escape of any prisoner confined therein, or of facilitating the commission of any**  
6 **other crime; or**

7 **(2) Assists or attempts to assist any prisoner who is being held in custody or confinement**  
8 **for the purpose of effecting the prisoner's escape from custody or confinement.**

9 **2. Aiding escape of a prisoner by introducing a deadly weapon or dangerous instrument**  
10 **into a place of confinement is a class B felony. Aiding escape of a prisoner being held in custody**  
11 **or confinement on the basis of a felony charge or conviction is a class [D] B felony. Otherwise,**



12 aiding escape of a prisoner is a class A misdemeanor.

577.020. 1. Any person who operates a motor vehicle upon the public highways of this  
2 state shall be deemed to have given consent to, subject to the provisions of sections 577.020 to  
3 577.041, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of  
4 determining the alcohol or drug content of the person's blood pursuant to the following  
5 circumstances:

6 (1) If the person is arrested for any offense arising out of acts which the arresting officer  
7 had reasonable grounds to believe were committed while the person was driving a motor vehicle  
8 while in an intoxicated or drugged condition; or

9 (2) If the person is under the age of twenty-one, has been stopped by a law enforcement  
10 officer, and the law enforcement officer has reasonable grounds to believe that such person was  
11 driving a motor vehicle with a blood alcohol content of two-hundredths of one percent or more  
12 by weight; or

13 (3) If the person is under the age of twenty-one, has been stopped by a law enforcement  
14 officer, and the law enforcement officer has reasonable grounds to believe that such person has  
15 committed a violation of the traffic laws of the state, or any political subdivision of the state, and  
16 such officer has reasonable grounds to believe, after making such stop, that such person has a  
17 blood alcohol content of two-hundredths of one percent or greater; [or]

18 (4) If the person is under the age of twenty-one, has been stopped at a sobriety  
19 checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that  
20 such person has a blood alcohol content of two-hundredths of one percent or greater[.];

21 **(5) If the person, while operating a motor vehicle, has been involved in a motor**  
22 **vehicle collision which resulted in a fatality or a readily apparent serious physical injury**  
23 **as defined in section 565.002, RSMo, and has been arrested as evidenced by the issuance**  
24 **of a Uniform Traffic Ticket for the violation of any state law or county or municipal**  
25 **ordinance with the exception of equipment violations contained in chapter 306, RSMo, or**  
26 **similar provisions contained in county or municipal ordinances; or**

27 **(6) If the person, while operating a motor vehicle, has been involved in a motor**  
28 **vehicle collision which resulted in a fatality.**

29

30 The test shall be administered at the direction of the law enforcement officer whenever the  
31 person has been arrested or stopped for any reason.

32 2. The implied consent to submit to the chemical tests listed in subsection 1 of this  
33 section shall be limited to not more than two such tests arising from the same arrest, incident or  
34 charge.

35 3. Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid

36 pursuant to the provisions of sections 577.020 to 577.041 shall be performed according to  
37 methods approved by the state department of health by licensed medical personnel or by a person  
38 possessing a valid permit issued by the state department of health for this purpose.

39 4. The state department of health shall approve satisfactory techniques, devices,  
40 equipment, or methods to be considered valid pursuant to the provisions of sections 577.020 to  
41 577.041 and shall establish standards to ascertain the qualifications and competence of  
42 individuals to conduct analyses and to issue permits which shall be subject to termination or  
43 revocation by the state department of health.

44 5. The person tested may have a physician, or a qualified technician, chemist, registered  
45 nurse, or other qualified person at the choosing and expense of the person to be tested, administer  
46 a test in addition to any administered at the direction of a law enforcement officer. The failure  
47 or inability to obtain an additional test by a person shall not preclude the admission of evidence  
48 relating to the test taken at the direction of a law enforcement officer.

49 6. Upon the request of the person who is tested, full information concerning the test shall  
50 be made available to [him] **such person**.

51 7. Any person given a chemical test of the person's breath pursuant to subsection 1 of  
52 this section or a field sobriety test may be videotaped during any such test at the direction of the  
53 law enforcement officer. Any such video recording made during the chemical test pursuant to  
54 this subsection or a field sobriety test shall be admissible as evidence at either any trial of such  
55 person for either a violation of any state law or county or municipal ordinance, or any license  
56 revocation or suspension proceeding pursuant to the provisions of chapter 302, RSMo.

**578.154. 1. A person commits the crime of possession of anhydrous ammonia in a  
2 nonapproved container if he or she possesses any quantity of anhydrous ammonia in any  
3 container other than a tank truck, tank trailer, rail tank car, bulk storage tank, field  
4 (nurse) tank or field applicator.**

**5 2. A violation of this section is a class D felony.**

**578.600. As used in sections 578.600 to 578.610, "technological crime" means any  
2 crime that involves, or the commission of which has been furthered by, any component,  
3 device, equipment, system or network that, alone or in conjunction with any other  
4 component, device, equipment, system or network, is designed or has the capability to:**

**5 (a) Be programmed; or**

**6 (b) Generate, process, store, retrieve, convey, emit, transmit, receive, relay, record  
7 or reproduce any data, information, image, program, signal or sound in a technological  
8 format, including, without limitation, a format that involves analog, digital, electronic,  
9 electromagnetic, or magnetic or optical technology.**

**578.605. 1. The attorney general shall have the authority to conduct investigations**

2 of technological crimes. The attorney general may use all such powers provided by law in  
3 order to conduct such investigations; except that technological crime shall not include any  
4 services, goods or memberships given to a contributor by an entity, organized pursuant to  
5 chapter 501 (c) of the United States Internal Revenue Code, while such entity is engaged  
6 in fund raising to support the charitable purpose for which the entity was established as  
7 defined in chapter 407, RSMo.

8       2. Upon completing an investigation of a technological crime where the peace  
9 officer, prosecuting attorney or attorney general does not have concurrent original  
10 jurisdiction to commence a criminal action to prosecute the offense, the attorney general  
11 shall provide the information obtained during the investigation to the appropriate  
12 prosecuting attorney.

13       3. Within thirty days after the prosecuting attorney's receipt of information  
14 pursuant to subsection 2 of this section, the prosecuting attorney shall notify the attorney  
15 general whether or not the prosecuting attorney intends to commence a prosecution.

578.610. In the course of a criminal investigation of a technological crime, the  
2 attorney general may request the circuit judge of any county in which the suspected offense  
3 could be prosecuted to issue a subpoena to any witness who may have information for the  
4 purpose of oral examination under oath and to require the production of books, papers,  
5 records or other material of any evidentiary nature at such time and place as is required  
6 under the subpoena.

589.320. 1. The department of public safety shall establish a law enforcement  
2 grants program, to be known as "The Drug Detection Program", which shall, subject to  
3 appropriations, make funds available to municipal or county law enforcement agencies for  
4 the purpose of purchasing drug dogs to aid in the detection of illegal drugs.

5       2. Appropriations for such grants shall be made to the department of public safety  
6 who shall administer such grants for transmission to municipal or county law enforcement  
7 agencies to which grants are made.

8       3. An application for a grant hereunder may be made to and processed by the  
9 department of public safety. The department of public safety shall make the necessary  
10 rules and regulations for the consideration and processing of all grant requests.

11       4. No rule or portion of a rule promulgated pursuant to the authority of this section  
12 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.

590.105. 1. A program of mandatory standards for the basic training and certification  
2 of peace officers and a program of optional standards for the basic training and certification of  
3 reserve officers in this state is hereby established. The peace officer standards and training  
4 commission shall establish the minimum number of hours of training and core curriculum. In

no event, however, shall the commission require more than one thousand hours of such training for either peace or reserve officers employed by any state law enforcement agency, or more than six hundred hours of such training for other peace or reserve officers; provided, however, that the minimum hours of training shall be no lower than the following:

- (1) One hundred twenty hours as of August 28, 1993;
- (2) Three hundred hours as of August 28, 1994; and
- (3) Four hundred seventy hours as of August 28, 1996.

The higher standards provided in this section for certification after August 28, 1993, shall not apply to any peace or reserve officer certified prior to August 28, 1993, or to deputies of any sheriff's department in any city not within a county requiring no more or less than one hundred twenty hours of training. Certified peace and reserve officers between January 1, 1992, and August 28, 1995, shall only meet the hours of training applicable to the year in which the officer was employed or appointed.

2. Beginning on August 28, 1996, peace officers shall be required to complete the four hundred fifty hours of training as peace officers and be certified to be eligible for employment. Park rangers appointed pursuant to section 64.335, RSMo, who do not carry firearms shall be exempt from the training requirements of this section.

3. Bailiffs who are not certified peace officers shall be required to complete a minimum of sixty hours of mandated training, except that any person who has served as a bailiff prior to January 1, 1995, shall not be required to complete the training requirements mandated by this subsection, provided such person's training or experience is deemed adequate by the peace officer standards and training commission in accordance with current standards.

**4. Beginning on July 1, 2002, the Peace Officers Standards and Training Commission, with input from the department of corrections, shall establish a corrections officers certification program. After July 1, 2002, no person shall hold the position of corrections officer in the Missouri department of corrections unless that person is certified subsequent to completion of an instructional program designed to familiarize such person with his or her duties as established by the commission. Persons who hold the position of corrections officer prior to July 1, 2002, may attend such programs voluntarily for the purpose of career advancement or to satisfy requirements for promotion or merit pay established by the department of corrections.**

5. All political subdivisions within this state may adopt standards which are higher than the minimum standards implemented pursuant to sections 590.100 to 590.180, and such minimum standards shall in no way be deemed adequate in those cases in which higher standards have been adopted.

41           [5.] 6. Any federal officer who has the duty and power of arrest on any federal military  
42 installation in this state may, at the option of the federal military installation in which the officer  
43 is employed, participate in the training program required under the provisions of sections  
44 590.100 to 590.180 and, upon satisfactory completion of such training program, shall be certified  
45 by the director in the same manner provided for peace officers, as defined in section 590.100,  
46 except that the duty and power of arrest of military officers for violation of the general criminal  
47 laws of the state or for violation of ordinances of counties or municipalities of the state shall  
48 extend only to the geographical boundaries within which the federal military installation is  
49 located. Any costs involved in the training of a federal officer shall be borne by the participating  
50 federal military installation.

51           [6.] 7. Notwithstanding any provision of this chapter to the contrary, any peace officer  
52 who is employed by a law enforcement agency located within a county of the third classification  
53 shall be required to have no more or less than one hundred twenty hours of training for  
54 certification if the respective city or county adopts an order or ordinance to that effect.

55           [7.] 8. The peace officers standards and training commission with input from the  
56 department of health and the division of family services shall provide a minimum of thirty hours  
57 of initial education to all prospective law enforcement officers, except for agents of the  
58 conservation commission, concerning domestic and family violence.

59           [8.] 9. The course of instruction and the objectives in learning and performance for the  
60 education of law enforcement officers required pursuant to subsection 6 of this section shall be  
61 developed and presented in consultation with public and private providers of programs for  
62 victims of domestic and family violence, persons who have demonstrated expertise in training  
63 and education concerning domestic and family violence, and the Missouri coalition against  
64 domestic violence. The peace officers standards and training commission shall consider the  
65 expertise and grant money of the national council of juvenile and family court judges, with their  
66 domestic and family violence project, as well as other federal funds and grant moneys available  
67 for training.

68           [9.] 10. The course of instruction shall include, but is not limited to:

69           (1) The investigation and management of cases involving domestic and family violence  
70 and writing of reports in such cases, including:

71           (a) Physical abuse;

72           (b) Sexual abuse;

73           (c) Child fatalities;

74           (d) Child neglect;

75           (e) Interviewing children and alleged perpetrators;

76           (2) The nature, extent and causes of domestic and family violence;

77 (3) The safety of officers investigating incidents of domestic and family violence;

78 (4) The safety of the victims of domestic and family violence and other family and  
79 household members;

80 (5) The legal rights and remedies available to victims of domestic and family violence,  
81 including but not limited to rights and compensation of victims of crime, and enforcement of  
82 civil and criminal remedies;

83 (6) The services available to victims of domestic and family violence and their children;

84 (7) Sensitivity to cultural, racial and sexual issues and the effect of cultural, racial, and  
85 gender bias on the response of law enforcement officers and the enforcement of laws relating to  
86 domestic and family violence; and

87 (8) The provisions of applicable state statutes concerning domestic and family violence.

**590.132. No person shall be commissioned or employed as a peace officer unless he  
2 or she is a resident of Missouri.**

**590.200. 1. Pursuant to section 217.105, RSMo, a corrections officers certification  
2 program shall be established by the corrections officers standards and training  
3 commission. Certification shall be based on rules and curriculum established by the  
4 corrections officers standards and training commission. Certification for corrections  
5 officers shall be approved or denied after a review of performance and test results as  
6 established by the commission pursuant to section 217.105, RSMo.**

**7 2. No rule or portion of a rule promulgated pursuant to the authority of this section  
8 shall become effective unless it has been promulgated pursuant to chapter 536, RSMo.**

**590.650. 1. As used in this section "minority group" means individuals of African,  
2 Hispanic, Native American or Asian descent.**

**3 2. Each time a peace officer stops a driver of a motor vehicle [for a violation of any motor  
4 vehicle statute or ordinance], that officer shall report the following information to the law  
5 enforcement agency that employs the officer:**

**6 (1) The age, gender and race or minority group of the individual stopped;**

**7 (2) The traffic violation or violations alleged to have been committed that led to the stop;**

**8 (3) Whether a search was conducted as a result of the stop;**

**9 (4) If a search was conducted, whether the individual consented to the search, the probable  
10 cause for the search, whether the person was searched, whether the person's property was  
11 searched, and the duration of the search;**

**12 (5) Whether any contraband was discovered in the course of the search and the type of any  
13 contraband discovered;**

**14 (6) Whether any warning or citation was issued as a result of the stop;**

**15 (7) If a warning or citation was issued, the violation charged or warning provided;**

16 (8) Whether an arrest was made as a result of either the stop or the search;

17 (9) If an arrest was made, the crime charged; and

18 (10) The location of the stop.

19 Such information may be reported using a format determined by the department of public safety  
20 which uses existing citation and report forms.

21 3. (1) Each law enforcement agency shall compile the data described in subsection 2 of  
22 this section for the calendar year into a report to the attorney general.

23 (2) Each law enforcement agency shall submit the report to the attorney general no later  
24 than March first of the following calendar year.

25 (3) The attorney general shall determine the format that all law enforcement agencies shall  
26 use to submit the report.

27 4. (1) The attorney general shall analyze the annual reports of law enforcement agencies  
28 required by this section and submit a report of the findings to the governor, the general assembly  
29 and each law enforcement agency no later than June first of each year.

30 (2) The report of the attorney general shall include at least the following information for  
31 each agency:

32 (a) The total number of vehicles stopped by peace officers during the previous calendar  
33 year;

34 (b) The number and percentage of stopped motor vehicles that were driven by members  
35 of each particular minority group;

36 (c) A comparison of the percentage of stopped motor vehicles driven by each minority  
37 group and the percentage of the state's population that each minority group comprises; and

38 (d) A compilation of the information reported by law enforcement agencies pursuant to  
39 subsection 2 of this section.

40 5. Each law enforcement agency shall adopt a policy on race-based traffic stops that:

41 (1) Prohibits the practice of routinely stopping members of minority groups for violations  
42 of vehicle laws as a pretext for investigating other violations of criminal law;

43 (2) Provides for periodic reviews by the law enforcement agency of the annual report of  
44 the attorney general required by subsection 4 of this section that:

45 (a) Determine whether any peace officers of the law enforcement agency have a pattern  
46 of stopping members of minority groups for violations of vehicle laws in a number  
47 disproportionate to the population of minority groups residing or traveling within the jurisdiction  
48 of the law enforcement agency; and

49 (b) If the review reveals a pattern, require an investigation to determine whether any peace  
50 officers of the law enforcement agency routinely stop members of minority groups for violations  
51 of vehicle laws as a pretext for investigating other violations of criminal law;

(3) Provides for appropriate counseling and training of any peace officer found to have engaged in race-based traffic stops within ninety days of the review; and

(4) Provides for annual sensitivity training for any employees who may conduct stops of motor vehicles regarding the prohibition against racial profiling.

The course or courses of instruction and the guidelines shall stress understanding and respect for racial and cultural differences, and development of effective, noncombative methods of carrying out law enforcement duties in a racially and culturally diverse environment.

6. If a law enforcement agency fails to comply with the provisions of this section, the governor may withhold any state funds appropriated to the noncompliant law enforcement agency.

7. Each law enforcement agency in this state may utilize federal funds from community-oriented policing services grants or any other federal sources to equip each vehicle used for traffic stops with a video camera and voice-activated microphone.

595.030. 1. No compensation shall be paid unless the claimant has incurred an out-of-pocket loss of at least fifty dollars or has lost two continuous weeks of earnings or support from gainful employment. "Out-of-pocket loss" shall mean unreimbursed or unreimbursable expenses or indebtedness reasonably incurred for medical care or other services, including psychiatric, psychological or counseling expenses, necessary as a result of the crime upon which the claim is based, except that the amount paid for psychiatric, psychological or counseling expenses per eligible claim shall not exceed two thousand five hundred dollars. [Fifty dollars shall be deducted from any award granted under sections 595.010 to 595.075, except that an award to a person sixty-five years of age or older is not subject to any deduction.]

2. No compensation shall be paid unless the division of workers' compensation finds that a crime was committed, that such crime directly resulted in personal physical injury to, or the death of, the victim, and that police records show that such crime was promptly reported to the proper authorities. In no case may compensation be paid if the police records show that such report was made more than forty-eight hours after the occurrence of such crime, unless the division of workers' compensation finds that the report to the police was delayed for good cause. If the victim is under eighteen years of age such report may be made by the victim's parent, guardian or custodian; by a physician, a nurse, or hospital emergency room personnel; by the division of family services personnel; or by any other member of the victim's family.

3. No compensation shall be paid for medical care if the service provider is not a medical provider as that term is defined in section 595.027, and the individual providing the medical care is not licensed by the state of Missouri or the state in which the medical care is provided.

4. No compensation shall be paid for psychiatric treatment or other counseling services, including psychotherapy, unless the service provider is a:



24 (1) Physician licensed pursuant to chapter 334, RSMo, or licensed to practice medicine in  
25 the state in which the service is provided;

26 (2) Psychologist licensed pursuant to chapter 337, RSMo, or licensed to practice  
27 psychology in the state in which the service is provided;

28 (3) Clinical social worker licensed pursuant to chapter 337, RSMo; or

29 (4) Professional counselor licensed pursuant to chapter 337, RSMo.

30 5. Any compensation paid [under] **pursuant to** sections 595.010 to 595.075 for death or  
31 personal injury shall be in an amount not exceeding out-of-pocket loss, together with loss of  
32 earnings or support from gainful employment, not to exceed two hundred dollars per week,  
33 resulting from such injury or death. In the event of death of the victim, an award may be made  
34 for reasonable and necessary expenses actually incurred for preparation and burial not to exceed  
35 five thousand dollars.

36 6. Any compensation for loss of earnings or support from gainful employment shall be in  
37 an amount equal to the actual loss sustained not to exceed two hundred dollars per week;  
38 provided, however, that no award [under] **pursuant to** sections 595.010 to 595.075 shall exceed  
39 [fifteen] **twenty-five** thousand dollars. If two or more persons are entitled to compensation as  
40 a result of the death of a person which is the direct result of a crime or in the case of a sexual  
41 assault, the compensation shall be apportioned by the division of workers' compensation among  
42 the claimants in proportion to their loss.

43 7. The method and timing of the payment of any compensation [under] **pursuant to**  
44 sections 595.010 to 595.075 shall be determined by the division.

595.035. 1. For the purpose of determining the amount of compensation payable pursuant  
2 to sections 595.010 to 595.075, the division of workers' compensation shall, insofar as  
3 practicable, formulate standards for the uniform application of sections 595.010 to 595.075,  
4 taking into consideration the provisions of sections 595.010 to 595.075, the rates and amounts  
5 of compensation payable for injuries and death [under] **pursuant to** other laws of this state and  
6 of the United States, excluding pain and suffering, and the availability of funds appropriated for  
7 the purpose of sections 595.010 to 595.075. All decisions of the division of workers'  
8 compensation on claims heard [under] **pursuant to** sections 595.010 to 595.075 shall be in  
9 writing, setting forth the name of the claimant, the amount of compensation and the reasons for  
10 the decision. The division of workers' compensation shall immediately notify the claimant in  
11 writing of the decision and shall forward to the state treasurer a certified copy of the decision and  
12 a warrant for the amount of the claim. The state treasurer, upon certification by the commissioner  
13 of administration, shall, if there are sufficient funds in the crime victims' compensation fund, pay  
14 to or on behalf of the claimant the amount determined by the division.

15 2. The crime victims' compensation fund is not a state health program and is not intended

16 to be used as a primary payor to other health care assistance programs, but is a public, quasi-  
17 charitable fund whose fundamental purpose is to assist victims of violent crimes through a period  
18 of financial hardship, as a payor of last resort. Accordingly, any compensation paid pursuant to  
19 sections 595.010 to 595.075 shall be reduced by the amount of any payments, benefits or awards  
20 received or to be received as a result of the injury or death:

21 (1) From or on behalf of the offender;

22 (2) Under private or public insurance programs, including champus, Medicare, Medicaid  
23 and other state or federal programs, **but not including any life insurance proceeds**; or

24 (3) From any other public or private funds, including an award payable [under] **pursuant**  
25 **to** the workers' compensation laws of this state.

26 3. In determining the amount of compensation payable, the division of workers'  
27 compensation shall determine whether, because of the victim's consent, provocation, incitement  
28 or negligence, the victim contributed to the infliction of the victim's injury or death, and shall  
29 reduce the amount of the compensation or deny the claim altogether, in accordance with such  
30 determination; provided, however, that the division of workers' compensation may disregard the  
31 responsibility of the victim for his **or her** own injury where such responsibility was attributable  
32 to efforts by the victim to aid a victim, or to prevent a crime or an attempted crime from  
33 occurring in his **or her** presence, or to apprehend a person who had committed a crime in his **or**  
34 **her** presence or had in fact committed a felony.

35 4. In determining the amount of compensation payable pursuant to sections 595.010 to  
36 595.070, monthly Social Security disability or retirement benefits received by the victim shall  
37 not be considered by the division as a factor for reduction of benefits.

38 5. The division shall not be liable for payment of compensation for any out-of-pocket  
39 expenses incurred more than three years following the date of the occurrence of the crime upon  
40 which the claim is based.

595.045. 1. There is established in the state treasury the "Crime Victims' Compensation  
2 Fund". A surcharge of [five] **ten** dollars shall be assessed as costs in each court proceeding filed  
3 in any court in the state in all criminal cases including violations of any county ordinance or any  
4 violation of criminal or traffic laws of the state, including an infraction and violation of a  
5 municipal ordinance; except that no such fee shall be collected in any proceeding in any court  
6 when the proceeding or the defendant has been dismissed by the court or when costs are to be  
7 paid by the state, county, or municipality. A surcharge of [five] **ten** dollars shall be assessed as  
8 costs in a juvenile court proceeding in which a child is found by the court to come within the  
9 applicable provisions of subdivision (3) of subsection 1 of section 211.031, RSMo.

10 2. Notwithstanding any other provision of law to the contrary, the moneys collected by  
11 clerks of the courts pursuant to the provisions of subsection 1 of this section shall be collected

12 and disbursed in accordance with sections 488.010 to 488.020, RSMo, and shall be payable to  
13 the director of the department of revenue.

14       **3.** The director of revenue shall deposit annually the amount of two hundred fifty thousand  
15 dollars to the state forensic laboratory account administered by the department of public safety  
16 to provide financial assistance to defray expenses of crime laboratories if such analytical  
17 laboratories are registered with the federal Drug Enforcement Agency or the Missouri department  
18 of health. Subject to appropriations made therefor, such funds shall be distributed by the  
19 department of public safety to the crime laboratories serving the courts of this state making  
20 analysis of a controlled substance or analysis of blood, breath or urine in relation to a court  
21 proceeding.

22       **[3.] 4.** The remaining funds collected under subsection 1 of this section **shall be denoted**  
23 **to the payment of an annual appropriation for the administrative and operational costs of**  
24 **the office for victims of crime and, if a statewide automated crime victim notification**  
25 **system is established pursuant to section 650.310, RSMo, to the monthly payment of**  
26 **expenditures actually incurred in the operation of such system. Additional remaining**  
27 **funds** shall be subject to the following provisions:

28       (1) On the first of every month, the director of revenue or the director's designee shall  
29 determine the balance of the funds in the crime victims' compensation fund available to satisfy  
30 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections  
31 595.050 and 595.055;

32       (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the  
33 funds available exceeds one million dollars plus one hundred percent of the previous twelve  
34 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid  
35 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the  
36 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime  
37 victims' compensation fund and fifty percent to the services to victims' fund established in  
38 section 595.100, **provided, however, that beginning October 1, 2006, if in any month, the**  
39 **amount in reserve for either fund shall be more than two hundred percent of the previous**  
40 **year's expenditures for that fund, then fifty percent of the revenue provided herein for that**  
41 **fund shall be paid instead to the tort victim's compensation fund;**

42       (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the  
43 funds available is less than one million dollars plus one hundred percent of the previous twelve  
44 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid  
45 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the  
46 director of revenue or the director's designee shall deposit seventy-five percent to the credit of  
47 the crime victims' compensation fund and twenty-five percent to the services to victims' fund

48 established in section 595.100.

49 [4.] 5. The director of revenue or such director's designee shall at least monthly report the  
50 moneys paid pursuant to this section into the crime victims' compensation fund and the services  
51 to victims fund to the division of workers' compensation and the department of public safety,  
52 respectively.

53 [5.] 6. The moneys collected by clerks of municipal courts pursuant to subsection 1 of this  
54 section shall be collected and disbursed as provided by sections 488.010 to 488.020, RSMo.  
55 Five percent of such moneys shall be payable to the city treasury of the city from which such  
56 funds were collected.

57

58 The remaining ninety-five percent of such moneys shall be payable to the director of revenue.  
59 The funds received by the director of revenue pursuant to this subsection shall be distributed as  
60 follows:

61 (1) On the first of every month, the director of revenue or the director's designee shall  
62 determine the balance of the funds in the crime victims' compensation fund available to satisfy  
63 the amount of compensation payable pursuant to sections 595.010 to 595.075, excluding sections  
64 595.050 and 595.055;

65 (2) Beginning on October 1, 1996, and on the first of each month, if the balance of the  
66 funds available exceeds one million dollars plus one hundred percent of the previous twelve  
67 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid  
68 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the  
69 director of revenue or the director's designee shall deposit fifty percent to the credit of the crime  
70 victims' compensation fund and fifty percent to the services to victims' fund established in  
71 section 595.100, **provided, however, that beginning October 1, 2006, if in any month, the**  
72 **amount in reserve for either fund shall be more than two hundred percent of the previous**  
73 **year's expenditures for that fund, then fifty percent of the revenue provided herein for that**  
74 **fund shall be paid instead to the tort victim's compensation fund;**

75 (3) Beginning on October 1, 1996, and on the first of each month, if the balance of the  
76 funds available is less than one million dollars plus one hundred percent of the previous twelve  
77 months' actual expenditures, excluding the immediate past calendar month's expenditures, paid  
78 pursuant to sections 595.010 to 595.075, excluding sections 595.050 and 595.055, then the  
79 director of revenue or the director's designee shall deposit seventy-five percent to the credit of  
80 the crime victims' compensation fund and twenty-five percent to the services to victims' fund  
81 established in section 595.100.

82 [6.] 7. These funds shall be subject to a biennial audit by the Missouri state auditor. Such  
83 audit shall include all records associated with crime victims' compensation funds collected, held

84 or disbursed by any state agency.

85 [7.] 8. In addition to the moneys collected pursuant to subsection 1 of this section, the  
86 court shall enter a judgment in favor of the state of Missouri, payable to the crime victims'  
87 compensation fund, of sixty-eight dollars if the conviction is for a class A or B felony; forty-six  
88 dollars if the conviction is for a class C or D felony; and ten dollars if the conviction is for any  
89 misdemeanor under the following Missouri laws:

90 (1) Chapter 195, RSMo, relating to drug regulations;

91 (2) Chapter 311, RSMo, but relating only to felony violations of this chapter committed  
92 by persons not duly licensed by the supervisor of liquor control;

93 (3) Chapter 491, RSMo, relating to witnesses;

94 (4) Chapter 565, RSMo, relating to offenses against the person;

95 (5) Chapter 566, RSMo, relating to sexual offenses;

96 (6) Chapter 567, RSMo, relating to prostitution;

97 (7) Chapter 568, RSMo, relating to offenses against the family;

98 (8) Chapter 569, RSMo, relating to robbery, arson, burglary and related offenses;

99 (9) Chapter 570, RSMo, relating to stealing and related offenses;

100 (10) Chapter 571, RSMo, relating to weapons offenses;

101 (11) Chapter 572, RSMo, relating to gambling;

102 (12) Chapter 573, RSMo, relating to pornography and related offenses;

103 (13) Chapter 574, RSMo, relating to offenses against public order;

104 (14) Chapter 575, RSMo, relating to offenses against the administration of justice;

105 (15) Chapter 577, RSMo, relating to public safety offenses.

106

107 Any clerk of the court receiving moneys pursuant to such judgments shall collect and disburse  
108 such crime victims' compensation judgments in the manner provided by sections 488.010 to  
109 488.020, RSMo. Such funds shall be payable to the state treasury and deposited to the credit of  
110 the crime victims' compensation fund.

111 [8.] 9. The clerk of the court processing such funds shall maintain records of all  
112 dispositions described in subsection 1 of this section and all dispositions where a judgment has  
113 been entered against a defendant in favor of the state of Missouri in accordance with this section;  
114 all payments made on judgments for alcohol-related traffic offenses; and any judgment or portion  
115 of a judgment entered but not collected. These records shall be subject to audit by the state  
116 auditor. The clerk of each court transmitting such funds shall report separately the amount of  
117 dollars collected on judgments entered for alcohol-related traffic offenses from other crime  
118 victims' compensation collections or services to victims collections.

119 [9.] 10. The clerks of the court shall report all delinquent payments to the department of

revenue by October first of each year for the preceding fiscal year, and such sums may be withheld pursuant to subsection [14] **15** of this section.

[10.] **11.** The department of revenue shall maintain records of funds transmitted to the crime victims' compensation fund by each reporting court and collections pursuant to subsection [17] **18** of this section and shall maintain separate records of collection for alcohol-related offenses.

[11.] **12.** Notwithstanding any other provision of law to the contrary, the provisions of subsections [8 and 9] **9 and 10** of this section shall expire and be of no force and effect upon the effective date of the supreme court rule adopted pursuant to sections 488.010 to 488.020, RSMo.

[12.] **13.** The state courts administrator shall include in the annual report required by section 476.350, RSMo, the circuit court caseloads and the number of crime victims' compensation judgments entered.

[13.] **14.** All awards made to injured victims under sections 595.010 to 595.105 and all appropriations for administration of sections 595.010 to 595.105, except sections 595.050 and 595.055, shall be made from the crime victims' compensation fund. Any unexpended balance remaining in the crime victims' compensation fund at the end of each biennium shall not be subject to the provision of section 33.080, RSMo, requiring the transfer of such unexpended balance to the ordinary revenue fund of the state, but shall remain in the crime victims' compensation fund. In the event that there are insufficient funds in the crime victims' compensation fund to pay all claims in full, all claims shall be paid on a pro rata basis. If there are no funds in the crime victims' compensation fund, then no claim shall be paid until funds have again accumulated in the crime victims' compensation fund. When sufficient funds become available from the fund, awards which have not been paid shall be paid in chronological order with the oldest paid first. In the event an award was to be paid in installments and some remaining installments have not been paid due to a lack of funds, then when funds do become available that award shall be paid in full. All such awards on which installments remain due shall be paid in full in chronological order before any other postdated award shall be paid. Any award pursuant to this subsection is specifically not a claim against the state, if it cannot be paid due to a lack of funds in the crime victims' compensation fund.

[14.] **15.** When judgment is entered against a defendant as provided in this section and such sum, or any part thereof, remains unpaid, there shall be withheld from any disbursement, payment, benefit, compensation, salary, or other transfer of money from the state of Missouri to such defendant an amount equal to the unpaid amount of such judgment. Such amount shall be paid forthwith to the crime victims' compensation fund and satisfaction of such judgment shall be entered on the court record. Under no circumstances shall the general revenue fund be used to reimburse court costs or pay for such judgment. The director of the department of corrections

156 shall have the authority to pay into the crime victims' compensation fund from an offender's  
157 compensation or account the amount owed by the offender to the crime victims' compensation  
158 fund, provided that the offender has failed to pay the amount owed to the fund prior to entering  
159 a correctional facility of the department of corrections.

160 [15.] 16. All interest earned as a result of investing funds in the crime victims'  
161 compensation fund shall be paid into the crime victims' compensation fund and not into the  
162 general revenue of this state.

163 [16.] 17. Any person who knowingly makes a fraudulent claim or false statement in  
164 connection with any claim hereunder is guilty of a class A misdemeanor.

165 [17.] 18. Any gifts, contributions, grants or federal funds specifically given to the division  
166 for the benefit of victims of crime shall be credited to the crime victims' compensation fund.  
167 Payment or expenditure of moneys in such funds shall comply with any applicable federal crime  
168 victims' compensation laws, rules, regulations or other applicable federal guidelines.

595.209. 1. The following rights shall automatically be afforded to victims of dangerous  
2 felonies, as defined in section 556.061, RSMo, victims of murder in the first degree, as defined  
3 in section 565.020, RSMo, victims of voluntary manslaughter, as defined in section 565.023,  
4 RSMo, and victims of an attempt to commit one of the preceding crimes, as defined in section  
5 564.011, RSMo; and, upon written request, the following rights shall be afforded to victims of  
6 all other crimes and witnesses of crimes:

7 (1) For victims, the right to be present at all criminal justice proceedings at which the  
8 defendant has such right, including juvenile proceedings where the offense would have been a  
9 felony if committed by an adult;

10 (2) For victims, the right to information about the crime, as provided for in subdivision  
11 (5) of this subsection;

12 (3) For victims and witnesses, to be informed, in a timely manner, by the prosecutor's  
13 office of the filing of charges, preliminary hearing dates, trial dates, continuances and the final  
14 disposition of the case. Final disposition information shall be provided within five days;

15 (4) For victims, the right to confer with and to be informed by the prosecutor regarding  
16 bail hearings, guilty pleas, pleas under chapter 552, RSMo, or its successors, hearings, sentencing  
17 and probation revocation hearings and the right to be heard at such hearings, including juvenile  
18 proceedings, unless in the determination of the court the interests of justice require otherwise;

19 (5) The right to be informed by local law enforcement agencies, the appropriate juvenile  
20 authorities or the custodial authority of the following:

21 (a) The status of any case concerning a crime against the victim, including juvenile  
22 offenses;

23 (b) The right to be informed by local law enforcement agencies or the appropriate juvenile

24 authorities, of the availability of victim compensation assistance, assistance in obtaining  
25 documentation of the victim's losses, including, but not limited to and subject to existing law  
26 concerning protected information or closed records, access to copies of complete, unaltered,  
27 unedited investigation reports of motor vehicle, pedestrian, and other similar accidents upon  
28 request to the appropriate law enforcement agency by the victim or the victim's representative,  
29 and emergency crisis intervention services available in the community;

30 (c) Any release of such person on bond or for any other reason;

31 (d) Within twenty-four hours, any escape by such person from a municipal detention  
32 facility, county jail, a correctional facility operated by the department of corrections, mental  
33 health facility, or the division of youth services or any agency thereof, and any subsequent  
34 recapture of such person;

35 (6) For victims, the right to be informed by appropriate juvenile authorities of probation  
36 revocation hearings initiated by the juvenile authority and the right to be heard at such hearings  
37 or to offer a written statement, video or audio tape in lieu of a personal appearance, the right to  
38 be informed by the board of probation and parole of probation revocation hearings initiated by  
39 the board and of parole hearings, the right to be present at each and every phase of parole  
40 hearings and the right to be heard at probation revocation and parole hearings or to offer a written  
41 statement, video or audio tape in lieu of a personal appearance, and the right to be informed by  
42 the custodial mental health facility or agency thereof of any hearings for the release of a person  
43 committed pursuant to the provisions of chapter 552, RSMo, the right to be present at such  
44 hearings, the right to be heard at such hearings or to offer a written statement, video or audio tape  
45 in lieu of personal appearance;

46 (7) For victims and witnesses, upon their written request, the right to be informed by the  
47 appropriate custodial authority, including any municipal detention facility, juvenile detention  
48 facility, county jail, correctional facility operated by the department of corrections, mental health  
49 facility, division of youth services or agency thereof if the offense would have been a felony if  
50 committed by an adult, postconviction or commitment pursuant to the provisions of chapter 552,  
51 RSMo, of the following:

52 (a) The projected date of such person's release from confinement;

53 (b) Any release of such person on bond;

54 (c) Any release of such person on furlough, work release, trial release, electronic  
55 monitoring program, or to a community correctional facility or program or release for any other  
56 reason, in advance of such release;

57 (d) Any scheduled parole or release hearings regarding such person and any changes in  
58 the scheduling of such hearings. No such hearing shall be conducted without thirty days' advance  
59 notice;



60 (e) Within twenty-four hours, any escape by such person from a municipal detention  
61 facility, county jail, a correctional facility operated by the department of corrections, mental  
62 health facility, or the division of youth services or any agency thereof, and any subsequent  
63 recapture of such person;

64 (f) Any decision by a parole board, juvenile releasing authority or circuit court presiding  
65 over releases pursuant to the provisions of chapter 552, RSMo, to release such person or any  
66 decision by the governor to commute the sentence of such person or pardon such person;

67 (g) Notification within thirty days of the death of such person;

68 (8) For witnesses who have been summoned by the prosecuting attorney and for victims,  
69 to be notified by the prosecuting attorney in a timely manner when a court proceeding will not  
70 go on as scheduled;

71 (9) For victims and witnesses, the right to reasonable protection from the defendant or any  
72 person acting on behalf of the defendant from harm and threats of harm arising out of their  
73 cooperation with law enforcement and prosecution efforts;

74 (10) For victims and witnesses, on charged cases or submitted cases where no charge  
75 decision has yet been made, to be informed by the prosecuting attorney of the status of the case  
76 and of the availability of victim compensation assistance and of financial assistance and  
77 emergency and crisis intervention services available within the community and information  
78 relative to applying for such assistance or services, and of any final decision by the prosecuting  
79 attorney not to file charges;

80 (11) For victims, to be informed by the prosecuting attorney of the right to restitution  
81 which shall be enforceable in the same manner as any other cause of action as otherwise  
82 provided by law;

83 (12) For victims and witnesses, to be informed by the court and the prosecuting attorney  
84 of procedures to be followed in order to apply for and receive any witness fee to which they are  
85 entitled;

86 (13) When a victim's property is no longer needed for evidentiary reasons or needs to be  
87 retained pending an appeal, the prosecuting attorney or any law enforcement agency having  
88 possession of the property shall, upon request of the victim, return such property to the victim  
89 within five working days unless the property is contraband or subject to forfeiture proceedings,  
90 or provide written explanation of the reason why such property shall not be returned;

91 (14) An employer may not discharge or discipline any witness, victim or member of a  
92 victim's immediate family for honoring a subpoena to testify in a criminal proceeding or for  
93 participating in the preparation of a criminal proceeding;

94 (15) For victims, to be provided with creditor intercession services by the prosecuting  
95 attorney if the victim is unable, as a result of the crime, temporarily to meet financial obligations;

96 (16) For victims and witnesses, the right to speedy disposition of their cases, and for  
97 victims, the right to speedy appellate review of their cases, provided that nothing in this  
98 subdivision shall prevent the defendant from having sufficient time to prepare such defendant's  
99 defense. The attorney general shall provide victims, upon their written request, case status  
100 information throughout the appellate process of their cases. The provisions of this subdivision  
101 shall apply only to proceedings involving the particular case to which the person is a victim or  
102 witness;

103 (17) For victims and witnesses, to be provided by the court, a secure waiting area during  
104 court proceedings and to receive notification of the date, time and location of any hearing  
105 conducted by the court for reconsideration of any sentence imposed, modification of such  
106 sentence or recall and release of any defendant from incarceration;

107 **(18) A court order of restitution shall have the same full force and effect as a civil**  
108 **judgment and may be enforced and subject to execution, levy or any other remedy**  
109 **available to enforce a civil judgment.**

110 2. The provisions of subsection 1 of this section shall not be construed to imply any victim  
111 who is incarcerated by the department of corrections or any local law enforcement agency has  
112 a right to be released to attend any hearing or that the department of corrections or the local law  
113 enforcement agency has any duty to transport such incarcerated victim to any hearing.

114 3. Those persons entitled to notice of events pursuant to the provisions of subsection 1 of  
115 this section shall provide the appropriate person or agency with their current addresses and  
116 telephone numbers or the addresses or telephone numbers at which they wish notification to be  
117 given.

118 4. Notification by the appropriate person or agency by certified mail to the most current  
119 address provided by the victim shall constitute compliance with the victim notification  
120 requirement of this section.

121 5. Victims' rights as established in section 32 of article I of the Missouri Constitution or  
122 the laws of this state pertaining to the rights of victims of crime shall be granted and enforced  
123 regardless of the desires of a defendant and no privileges of confidentiality shall exist in favor  
124 of the defendant to exclude victims or prevent their full participation in each and every phase of  
125 parole hearings or probation revocation hearings. The rights of the victims granted in this section  
126 are absolute and the policy of this state is that the victim's rights are paramount to the defendant's  
127 rights. The victim has an absolute right to be present at any hearing in which the defendant is  
128 present before a probation and parole hearing officer.

632.480. As used in sections 632.480 to 632.513, the following terms mean:

2 (1) "Agency with jurisdiction", the department of corrections or the department of mental  
3 health;

(2) "Mental abnormality", a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to commit sexually violent offenses in a degree constituting such person a menace to the health and safety of others;

(3) "Predatory", acts directed towards strangers or individuals with whom relationships have been established or promoted [for the primary purpose of victimization];

(4) "Sexually violent offense", the felonies of forcible rape, rape, statutory rape in the first degree, forcible sodomy, sodomy, statutory sodomy in the first degree, or an attempt to commit any of the preceding crimes, or child molestation in the first or second degree, sexual abuse, sexual assault, deviate sexual assault, or the act of abuse of a child as defined in subdivision (1) of subsection 1 of section 568.060, RSMo, which involves sexual contact, and as defined in subdivision (2) of subsection 1 of section 568.060, RSMo;

(5) "Sexually violent predator", any person who suffers from a mental abnormality which makes the person more likely than not to engage in predatory acts of sexual violence if not confined in a secure facility and who:

(a) Has pled guilty or been found guilty, or been found not guilty by reason of mental disease or defect pursuant to section 552.030, RSMo, of a sexually violent offense; or

(b) Has been committed as a criminal sexual psychopath pursuant to section 632.475 and statutes in effect before August 13, 1980.

650.050. 1. The Missouri department of public safety shall develop and establish a "DNA Profiling System", referred to in sections 650.050 to 650.057 as the system to support criminal justice services in the local communities throughout this state in DNA identification. This establishment shall be accomplished through consultation with the Kansas City, Missouri regional crime laboratory, Missouri state highway patrol crime laboratory, St. Louis, Missouri metropolitan crime laboratory, St. Louis county crime laboratory, southeast Missouri regional crime laboratory, Springfield regional crime laboratory, and the Missouri Southern State College police academy regional crime lab.

2. The DNA profiling system as established in this section shall be compatible with that used by the Federal Bureau of Investigation to ensure that DNA records are fully exchangeable between DNA laboratories and that quality assurance standards issued by the director of the Federal Bureau of Investigations are applied and performed.

**3. The DNA profiling system established by this section shall include a separate statistical data base containing DNA profiles of persons whose identity is unknown. Information in this data base may be used for any legitimate law enforcement purpose upon written request of any federal, state, or local law enforcement agency, using the procedure provided by subsection 3 of section 650.055.**

**4. The DNA profiling system may charge a reasonable fee to search and provide a**

19 **comparative analysis of DNA profiles to any law enforcement agency outside of this state.**

650.055. 1. Every [individual] **adult convicted of a felony and every juvenile certified**  
2 **as an adult and convicted of a felony which is defined as a violent offense pursuant to**  
3 **chapter 565, RSMo, or as a sex offense pursuant to chapter 565, RSMo, or as a sex offense**  
4 **pursuant to chapter 566 RSMo, in a Missouri circuit court,[ of a felony, defined as a violent**  
5 **offense under chapter 565, RSMo, or as a sex offense under chapter 566, RSMo, excluding**  
6 **sections 566.010 and 566.020, RSMo,] or pursuant to section 568.020, RSMo, subdivision**  
7 **(2) of subsection 1 of section 568.045, RSMo, subdivision (2) of subsection 1 of section**  
8 **568.060, or section 568.080 or 568.090, RSMo, section 569.020, 569.025, 569.030, 569.160**  
9 **or 569.170, RSMo, section 571.015 and 571.030, RSMo, shall have a blood or scientifically**  
10 **accepted biological sample collected for purposes of DNA profiling analysis. On and after**  
11 **August 28, 2001, every adult convicted of burglary in the first degree pursuant to section**  
12 **569.160, RSMo, or of burglary in the second degree pursuant to section 569.170, RSMo,**  
13 **shall have a blood or scientifically accepted biological sample collected for purposes of**  
14 **DNA profiling analysis. On and after January 1, 2003, every adult convicted of any felony,**  
15 **or of any sex offense pursuant to chapter 566, RSMo, shall have a blood or scientifically**  
16 **accepted biological sample collected for purposes of DNA profiling analysis. On and after**  
17 **January 1, 2004, every juvenile certified as an adult and convicted of any felony, or of any**  
18 **sex offense pursuant to chapter 566, RSMo, shall have a blood or scientifically accepted**  
19 **biological sample collected for purposes of DNA profiling analysis. The blood or other**  
20 **sample which this section requires to be collected shall be collected:**

21 (1) Upon entering the department of correction's reception and diagnostic centers; or

22 (2) Before release from a county jail or detention facility; or

23 (3) If such individual is under the jurisdiction of the department of corrections on or after  
24 August 28, 1996. Such jurisdiction includes persons currently incarcerated, persons on  
25 probation, as defined in section 217.650, RSMo, and on parole, as also defined in section  
26 217.650, RSMo; or

27 **(4) on or after August 28, 2001, upon conviction.**

28 2. The Missouri state highway patrol and department of corrections shall be responsible  
29 for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to  
30 this section shall be required to provide such sample, without the right of refusal, at a collection  
31 site designated by the Missouri state highway patrol and the department of corrections.  
32 Authorized personnel collecting or assisting in the collection of samples shall not be liable in any  
33 civil or criminal action when the act is performed in a reasonable manner. Such force may be  
34 used as necessary to the effectual carrying out and application of such processes and operations.  
35 The enforcement of these provisions by the authorities in charge of state correctional institutions

36 and others having custody of those convicted of the felony which shall not be set aside or  
37 reversed, is hereby made mandatory.

38       3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA  
39 database records and privacy concerns shall not conflict with procedures and rules applicable to  
40 the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA data bank  
41 system. **A written request to analyze and compare DNA samples provided by any federal,**  
42 **state or local law enforcement agency with those in the Missouri DNA profiling system**  
43 **shall be fulfilled if made by any federal, state or local law enforcement officers in**  
44 **furtherance of an official investigation of any criminal offense. The name of the requesting**  
45 **law enforcement official and the law enforcement agency for which the request is made**  
46 **shall be maintained on file by the DNA profiling system. Any person identified and**  
47 **charged with an offense as a result of a search of the Missouri DNA profiling system shall,**  
48 **upon written request, be provided a copy of the relevant written search request made by**  
49 **law enforcement, if the person submits a DNA sample which matches the requestor's**  
50 **profile in the Missouri DNA profiling system. Upon showing by the defendant in a**  
51 **criminal case that access to the Missouri DNA profiling system is material to the**  
52 **investigation, preparation or presentation of a defense at trial or in a motion for a new**  
53 **trial, any court having jurisdiction in such case shall direct the Missouri DNA profiling**  
54 **system to compare a DNA profile which has been generated by the defendant through an**  
55 **independent test against the profiling system, provided that such DNA has been generated**  
56 **in accordance with standards for forensic DNA analysis adopted pursuant to sections**  
57 **650.050 to 650.057.**

58       4. **The name of a convicted offender whose profile is contained in the data bases may**  
59 **be related to any other data bases which are constructed for law enforcement purposes and**  
60 **may be disseminated only for law enforcement purposes except as otherwise provided by**  
61 **this section.** Unauthorized uses or dissemination of individually identifiable DNA information  
62 in a database for purposes other than criminal justice or law enforcement is a class A  
63 misdemeanor.

64       5. Implementation of section 650.050 and this section shall be subject to future  
65 appropriations to keep Missouri's DNA system compatible with the Federal Bureau of  
66 Investigation's DNA data bank system.

67       6. **Upon written request of any person whose DNA profile has been included in the**  
68 **Missouri DNA profiling system pursuant to this section and whose relevant felony**  
69 **conviction has been reversed, the system shall expunge the DNA profile of such person**  
70 **from the system, and the Missouri DNA profiling system shall purge all records and**  
71 **identifiable information in the system pertaining to such person and destroy all samples**

72 from such person.

650.300. As used in sections 650.300 to 650.310, the following terms shall mean:

2 (1) "Catastrophic crime", a violation of section 569.070, RSMo;

3 (2) "Office", the office for victims of crime;

4 (3) "Private agency", a private agency as defined in section 595.010, RSMo;

5 (4) "Public agency", a public agency as defined in section 595.010, RSMo;

6 (5) "Victim of crime", a person afforded rights as a victim or entitled to

7 compensation or services as a victim pursuant to chapter 595, RSMo.

650.310. 1. The office of victims of crime is hereby established within the department  
2 of public safety, for the purpose of promoting the fair and just treatment of victims of  
3 crime. The office shall coordinate and promote the state's program for victims of crime  
4 and shall provide channels of communication among public and private agencies and in  
5 exercising the rights afforded to victims of crime pursuant to chapter 595, RSMo, and the  
6 Missouri Constitution. In the event of a catastrophic crime the office shall, or upon the  
7 receipt of a specific request the office may, work closely with other state and local agencies  
8 to coordinate a response to meet the needs of any resulting victims of crime.

9 2. The office for victims of crime shall coordinate efforts with statewide coalitions  
10 or organizations that are involved in efforts to provide assistance to victims of crime and  
11 to reduce the incidence of domestic violence, sexual assault or other crime victimization.  
12 The office shall consult with such coalitions or organizations as to more efficient and  
13 effective coordination and delivery of services to victims of crime.

14 3. The office for victims of crime shall assess and report to the governor the costs and  
15 benefits of establishing a statewide automated crime victim notification system within the  
16 criminal justice system and shall serve as the coordinating agency for the development,  
17 implementation and maintenance of any such system.

18 4. The department of public safety may promulgate administrative rules to  
19 implement this section, and any such rule that is wholly procedural and without fiscal  
20 impact shall be deemed to satisfy the requirements of section 536.016, RSMo.

Section 1. In the event that any person, or entity, which has entered into a contract  
2 with the state or any political subdivision has been found, or has admitted to be, in  
3 violation of any state statute or regulation which relates to the performance of its contract,  
4 then that person or entity will be prohibited for three years from entering into any  
5 contracts with the state or any political subdivision.